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A SCOTTISH JOURNIE, 1641
DUKE OF HAMILTON'S EXPEDITION TO ENGLAND, 1648
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THE

SCOTTISH KING'S HOUSEHOLD

AND OTHER FRAGMENTS

FROM A FOURTEENTH CENTURY MANUSCRIPT IN THE LIBRARY OF CORPUS CHRISTI COLLEGE, CAMBRIDGE.

Edited by

MARY BATESON

Associate and Lecturer of Newnham College,
Cambridge.

INTRODUCTION[1]

In a manuscript at Corpus Christi College, Cambridge,[2] there lies buried a remarkable account of the household of the Scottish kings and the duties of its officers, which would certainly have found a place in the great edition of the Scots Acts of Parliament had it been known to the learned editors. It throws a welcome light on some of the obscurest places in Scottish history. All too little is known of the household of the English Plantagenets, but that there is material for more knowledge is not doubted. For Scotland it seemed likely that the whole of the material was known, and that the blank places must be left blank, or filled up only with the aid of later references or foreign analogies. The so-called laws of Malcolm Mackenneth could give the names of a number of officers of the royal household and their fees; the accounts of the Lord High Treasurer enabled the learned editor to build up a description of the Court of James IV.; the magnificent series of Exchequer Rolls tells so much of the Chamberlain's department that the Corpus Christi manuscript has nothing there to add; Dr. George Neilson, in his *Trial by Combat*, ran the Constable to earth. But there the chase seemed ended. Now, from the first half of the fourteenth

[1] This paper, so far as it concerns the King's Household, appeared in slightly different form in the *Juridical Review*, Dec. 1901, March 1902, and is reprinted by kind permission of the editor and publishers. The other fragments are printed for the first time.

[2] No. 37. I would here acknowledge the kind permission of the Master and Fellows of the College which enables me to print a portion of the manuscript; and I would thank especially the Librarian, Mr. C. W. Moule, for his ever ready assistance.

century appears a collector,[1] copying from the roll of one who knew all that we would fain know. Alas! he tells only a fraction of the tale he could have unfolded 'of the laws and usages of Scotland, which are too long to be written in this roll.'

What the Corpus Christi manuscript gives us is a curious congeries of facts relating to the Scottish Chancery and Exchequer; the duties of the Chamberlain, Steward, Constable, and Marshal; the ordering of the Court of the Verge; the ceremonies of trial by battle between mounted knights; the duties of the King's footguards; the ordering of meals in the King's hall; the responsibilities of the Almoner and of the other officers engaged in victualling the King's household; last, and not least, it tells of the Justices and Sheriffs.

When and under what circumstances was the original roll written, and were its directions sanctioned by authority? Some features in the record seem to favour the suggestion that it is a scheme drawn up by one of the Scottish Commissioners attending the London Assembly of September, 1305, which issued Edward I.'s famous ordinance for the settlement of Scotland. The Commissioners were sworn[2] to give the best advice they could, to reveal any hindrances to good government of which they knew, and the means by which these might be overcome, with any usages that it might be well to amend. The choice of a Knight Templar as Almoner shows that the document cannot well be later than 1309, when the destruction of the Order began.[3] And, on the other hand, a mention of the 'parliament' makes it unlikely that the document can be earlier than 1286.[4] In 1305 Scottish

---

[1] The value of the Corpus Christi MS. was appreciated by the great antiquary Madox, who copied out the document here printed into one of his note-books, now at the British Museum. So far as I can discover, he made no use of his copy in any of his printed works.

[2] Bain, *Cal. Scotch Documents*, No. 1692.

[3] On 6th October 1309, Edward II. ordered John de Segrave, guardian of Scotland, to arrest all the Templars still at large in Scotland.—*Fœdera*, ii. 94.

[4] Rait, 'Scottish Parliament.'—*Eng. Hist. Rev.*, xv. 217.

advice was asked; at no other time is it so likely to have been offered.[1] On the other hand, it may be urged that we have no evidence that Edward I. proposed to keep up the organisation of a separate royal household for Scotland,[2] and it is by no means impossible that this draft resulted from the work of Alexander III. or of John Balliol.

That the writer was himself a member of the late Scottish King's household might be concluded from the prominence he gives to questions touching its minutest detail. But it must be had in mind that to statesmen of the thirteenth and fourteenth centuries the King's household government and his government of the state were inseparably united. His Chamberlain was still his Treasurer; purveyance to fill his royal larder was in a sense national taxation; to control waste in the kitchen was, in fact, to control the Exchequer.[3] Possibly our latter-day interest in the private life of kings is a degenerate form of that same instinct which led our forefathers to put a check on 'prise' and 'caption.'

To answer those other questions which naturally arise,—how far were the writer's reforms accepted, how far does he propose change or describe what he actually knows, and upon what points are his statements specially valuable?—it will be well to take the record paragraph by paragraph.[4]

I

A proposal to summon an assembly to consider the government of the realm according to its 'laws and usages' was

[1] It is true that the reformer's 'doit estre' and the legislator's 'soit' and 'fet asavoir' are both used, but the first occurs far more frequently, and in a draft scheme a mistake of that kind might easily be made.

[2] See below, p. 17, note 4, however, on the existence of an Almoner for the Scottish household in 1304.

[3] For evidence that many documents dealing with the Scottish King's household were in existence by 1305, one has only to look at the list of documents carried away from Edinburgh by Edward I.

[4] These have been numbered for the sake of clearness.

doubtless made at the meeting of English and Scottish Commissioners in London, 1305, for we know that a result of that meeting was the ordinance which required John of Brittany to assemble the 'good folk of the land' of Scotland and ascertain what King David's laws were. Only 'the laws of Scots and Brets' were swept away. When the writer suggests that prelates, earls and barons need some check in their encroachments on royal property, he is proving that his zeal is not enlisted only on one side.

II

Our writer directs that good ministers are to be appointed to serve the King, both *denzeins* and *foreins*. The meaning of the phrase is 'within the household and without,' resident and non-resident, receiving and not receiving 'bouche of court,' 'intrinseci' and 'forinseci.' The executive of the English and Scottish kings had for long consisted partly of household officers in receipt of rations, and of others, for instance many exchequer officers, who were paid by other allowances. As early as Henry I.'s time the *Constitutio Domus Regis* shows clearly the line of division.[1] The Commissioners in 1305 agreed that Sir William de Bevercotes should remain as Chancellor, Sir John de Sandale as Chamberlain, Sir Robert Heron as Controller. All three were Englishmen who had already acquired experience in their offices. As for the Chancellor's fees, the so-called laws of Malcolm Mackenneth (whatever their authority) have detail to give which goes beyond our writer's statement. The writs 'of course' to which the manuscript refers are well explained in *Fleta*, as those which have been approved by the Council of the whole realm and cannot be changed without the Council's leave. The whole of the passage on the Chancellor's office, and notably the allusion to

[1] See the new Oxford edition of the *Dialogus de Scaccario*, which gives a clear account of the relations of the officers *denzein* and *forein* to the household.

the office of Privy Seal, has a very English sound. Apparently the creation of a Scottish office of Privy Seal is suggested, but none is known to have been created till the time of James I.[1] As to the antiquity of the office in England, Madox[2] says that it dates from the time when the Kings began to use a lesser or privy seal, perhaps the reign of King John. A clerk of the Privy Seal is mentioned in Scottish records of date 1363.[3]

III

The idea of the Council's appointment of the Chamberlain would seem to be an original one. No such proposal was made in England till the time of Richard II.'s minority.[4] The Scottish writer's description of the well-known duties of the Chamberlain of Scotland is sufficiently clear. On his peculiar functions in connection with the burghs, and as both collector and spender of the royal income, it is not possible to add anything here to what Dr. Stuart has written in the great edition of the Exchequer Rolls. By keeping the King's household and Exchequer accounts in one, the Scottish system overcame the difficulty which the English National Council found in controlling the household expenditure with its separate treasury and separate 'wardrobe' account.

Edward I., dealing with the purveyance question in the 'Articuli super Cartas' (1300), did not go further than the somewhat indefinite promise that goods for his household should be claimed only by the proper officers, under a proper warrant, which should give a proper guarantee for payment at the proper price, and name the kinds of goods which the officers were authorised to seize. In Scotland attempts to

[1] Innes, *Legal Antiquities*, p. 77.

[2] Madox, *Exchequer* (1st ed.), p. 59. On earlier indication of the existence of a Keeper of the Seal in the English Chancery, see *Dial. de Scacc. ut cit.* pp. 15-16.

[3] Bain, *Calendar*, iv. 93; and see *Acts Parl. Scot.*, i. 151. (My copy has not the red pagination.)

[4] Thoms, *Book of the Court.* Cf. *Liber Niger Domus Regis Ed. IV.*, printed for the Society of Antiquaries, 1790, p. 81.

control purveyance by statute begin, as far as is known, with Robert I., who, in 1326, ordered that all the large provisions (*omnes grosse providencie*) of the King and their carriage should be made without 'prise,' ministers paying at once at the market price. For provisions taken while the King was travelling, payment was likewise to be made 'on the nail' (*super unguem*).

The summoning of an Exchequer meeting once a year at six weeks' notice is unlike the English practice of two principal sessions at Easter and Michaelmas, with sessions during the Hilary and Trinity terms, and sessions on special occasions. In Edward I.'s reign the Exchequer, though generally held at Westminster, might by the King's command have to be held elsewhere. The writer's suggestion that the Scotch Exchequer should be held in some certain place was not heeded. In the fourteenth and fifteenth centuries it followed the King.[1]

IV

The mention of Auditors of Account agrees with what is known from the early Exchequer Rolls, and the conjunction of the Chancellor and Chamberlain with the commission accorded with Scottish practice.

V

The Clerk of the Rolls[2] becomes later the Scottish Clerk of Register, and the system of double enrolment no doubt suggested no novelty.

VI

The phrase 'de fee,' used repeatedly throughout the manuscript, of course means 'hereditary.' It is well known that the offices of Steward and Constable were hereditary from the time of David I. onwards; the author merely proposes that

[1] *Accounts of the Lord High Treasurer*, i. 16.

[2] A Clerk of the Rolls of the Royal Chapel is mentioned in 1290.—*Exchequer Rolls*, i. 51.

hereditary officers should be continued as such. In the case of the hereditary Steward, Constable, Marshal, and (probably) Almoner, the author adds carefully that a 'sufficient' knight may act as deputy. The phrase gives a hint as to how the relation of the English grand serjeanties to the actual household services, implied by their titles of dignity, had originally worked out.

The position of the Scottish Steward of the Household as here described is humbler than that of the English Steward of the Household, who presided over the judicial Court of the Household. According to our writer, in Scotland that duty seems to have fallen to the Constable. Nor did the English Steward of the Household have the Chamberlain in authority over him. The hereditary Steward of Scotland,[1] or his deputy, is concerned with the making of general regulations for the ordering of the household economy. This agrees with the evidence of the so-called laws of Malcolm Mackenneth, that the Steward determined the wages of the King's domestic servants. It agrees also with a part of the description of his duty in the *Liber Niger* of Edward IV.: 'Whiles he is present in courte, there ought no newe commaundmentes nor charges of officers . . . be made, without the commaundment first of his mouthe.'[2]

The duties of the Scottish Clerk of Liverance,[3] of whom a fuller account is given in §x, appear to have fallen in

[1] In the Exchequer Rolls the Senescallus Scotiæ and the Senescallus of the King's and of the Queen's household are clearly distinguished by 1329.—*Exchequer Rolls*, i. Index.

[2] *Liber Niger Domus Regis Edwardi IV.*, p. 55. An interesting set of ordinances for the regulation of Edward I.'s household, 1279, is in P.R.O. Misc. Rolls (Chancery), Wardrobe, bundle 15, No. 19, but neither there nor in Dr. Furnivall's edition of the *Household Ordinances of Edward II.*, 1323, is the duty of the Steward of the Household described. *Fleta* gives to the Household Steward the jurisdiction over the verge; what duties the 'Senescallus Anglie' (as Simon de Montfort called himself) answered for, there seems no means of knowing; we know nothing of a Court of the High Steward till a much later time.

[3] A Clerk of Liverance is named in 1264.—*Exchequer Rolls*, i. 10.

Edward I.'s court to the Marshal. The printed *Liber Quotidianus Contrarotulatoris Garderobæ* (28 Ed. I.) shows that a number of persons were 'not at the king's wage in the roll of his marshalsea,' being away from court. *Fleta* likewise says that in time of peace it is for the Marshal 'liberare camerario regis pro rege et camerario et intrinsecis suis,' and an anonymous account of the Marshal's duties, written in Richard II.'s time (of which more below), allots to the Marshal whatever belongs to the 'livery' in time of peace and war, and the duty of liverance of the household daily. He was in fact quartermaster-general to the household.

The Sheriffs are bidden to be heedful to the royal demands for sustenance, made known through his Clerk of Liverance. The Scottish Exchequer Records, like the English Pipe-Rolls, abundantly illustrate the nature of the deductions which the Sheriffs made from the sums for which they were answerable, by reason of royal demands for provisions of one sort and another.

VII

The passage treating of the Constable is one of the most striking in the document. The obscurity that reigns over the question of the respective duties of Constable and Marshal may well be deemed impenetrable when Madox and Stubbs[1] have both had to abandon the task of exploration. In Scotland it seems just possible that we may get a peep behind the veil. Some English notices of the Marshal's functions have remained from early time, but none of those of the

[1] Madox writes: 'I cannot at present find anything memorable concerning the duties and powers of the Constable during the First or Second Period, and therefore must trespass so far upon my proposed method as to cite a Memorial of the reign of King Richard II.' (*Exchequer*, p. 29). Stubbs, in his *Constitutional History*, i. 383 (1883), relegates to a footnote the suggestion that the Marshal was more distinctly an officer of the Court, the Constable one of the castle or army.

Constable beyond what the *Dialogus de Scaccario* has to tell.[1] It is therefore doubly fortunate that it is on the Constable, not on the Marshal, that the Corpus Christi manuscript has most to say.

A well-developed Court of the Verge, presided over by the Constable, is here revealed in the Scotland of 1305 (as I think), side by side with well-developed arrangements for trial by battle between mounted knights, within lists, of which the Constable and the Marshal have the guard, and share the perquisites.

What Dr. Neilson has written concerning the differences between the trial of battle in the ordinary course of the law, fought on foot, and the trial of chivalry, also what he has told us of the 'palays,' or barrace, makes it impossible for those who come after him to miss the point. He has detected the Scottish Constable's connection with the 'palice' as far back as 1332. Our record may carry the theme a generation further back. It was just about this time, probably 1306, that Philip IV. was giving to France an elaborate edict on the subject of the judicial duel of chivalry. In this edict the Constable is mentioned, though in no conspicuous place; he is at the entrance to the lists if the King orders him.[2] At an earlier date, the Assize of Jerusalem was ready with the fullest details on the conduct of a duel of mounted knights; it is to be conducted in the lord's 'hostel.'[3] In England the references are all too few, and the details, of early date, fewer. At first all that appears is that the King presides over the 'monomachiæ' of mounted knights, and that the matter is

---

[1] Spelman's *Glossary* and the other English authorities can direct us only to a notice of the French King's Constable, a notice which does no more than explain the sources of his salary as commander-in-chief. The De Bohuns called themselves Constables 'of England' at least as early as the thirteenth century.

[2] Ducange gives the edict, *s.v.* DUELLUM.

[3] *Ibid.* The knight charged with murder or homicide must fight on foot like an ordinary offender. Ducange, *s.v.* CAMPIONES.

the Marshal and Constable. That this jurisdiction should belong to the Constable, not the Steward, seems natural when we find that the Constable in Scotland is responsible for the guard of the King's body and of his dwelling if he lies in a fortress.

To the Scottish writer the Constable's powers within the verge seem to be part and parcel with the special concern he has in the arrangements made for the keeping of the lists when knights have been adjudged a trial by battle. But he is, within the verge, as within the lists, only a president, answerable for the attachments, for the prisoners, for the keeping of order; his Court is 'afforced' by the Steward, Marshal, Pantler, Butler, Porter, and all the officers who can conveniently come, with the other freemen who are in the Court. Law and judgment are adjudged before him, not by him. The whole *communitas* of the household seems to be present to assist in deeming the doom, and if so, the Court of the King's Household is in this respect one with the shire and the hundred and the borough. The English Steward hears and determines, according to *Fleta*, but he, too, joins with him Chamberlain, Usher, Marshal, Knights of the Hall, or some of them, if all cannot attend.

The promptitude of the trial in the Court of the Household is a point our writer dwells on; it is a point which was made much of in England. The 'Articuli super Cartas' direct that a suit within the verge must be determined before the King leaves the bounds of that verge where the trespass was done; if not, the suit is to be dealt with by the common law. The 'Articuli' further lay down limits to the suits which the Steward is competent to try. The Scottish writer is not prepared with limitations, save that the trespass must be done within the verge, and burgesses must have their special franchise.

(servants' hall) is held, for a space of twelve leagues around (*Rolls of Parl.*, ii. 336). There is reason to think that the league measured something less than two English miles.—Schmid, *Gesetze der Angelsachsen*, App. XII.

It is an invaluable sentence which records that the burgess of the King, or other franchised man (and the writer is clearly thinking only of the borough franchises), if accused of trespass within the verge, shall have (or vouch) his *cross* and his *borough-market* and shall be judged by his peers—for the phrase, together with a chapter in Innes's fragments of borough history,[1] is one of the few bits of confirmation that this island can offer for the doctrine put forward by Sohm in his brilliant but dangerous *Entstehung des deutschen Städtewesens*. His theory he puts in a nutshell thus:—'Stadtrecht ist Weichbildrecht. Das heisst, das Stadtrecht ist das Recht des Kreuzes.' To Sohm, as to the writer of 1305, the market with its cross is the attribute and the emblem of that special peace which the King has loaned to the borough. The theory has been destroyed by a brisk attack of hostile criticism; market-town and borough are not interchangeable terms; but it is full of interest to notice that to one writing in the early fourteenth century the mercantile element is the one essential burghal character, and that the market-cross which represents the royal presence—we may follow Sohm so far[2]—is typically emblematic of the borough peace. In the court of his fellow-burgesses, the burgess who is party to a suit finds the judgment of his 'peers,' lives in a 'peace' which has driven out the duel as a method of trial, and which still allows the ancient defence of compurgation. Our writer seems to exempt the burgess from the Constable's jurisdiction. How far the powers of the English King's Steward and Marshal overrode the burghal franchises, or found in burgesses and boroughs franchised persons and areas with power superior to their own, is a question which has never been worked out.[3]

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[1] Innes, *Ancient Laws of the Boroughs*, p. 177, c. 34. Burgesses may crave to have their own cross and market.

[2] Its non-Christian origin seems to be sufficiently established.

[3] Some information may be gained from *Cambridge Borough Charters*, p. 95; *Leicester Records*, ii. 207; Boys's *Sandwich*, p. 510; Woodruff's *Fordwich*, pp. 256-57.

The Constable, says the Corpus Christi record, may hold his Court in the Aula Regis[1] *or* at the gate (of the Castle). It was at the gate that the Constable of Dover, to name but one instance, held his pleas.[2] The Hebraic 'gate,' the place of judicial assembly, was no dark Oriental allusion to men of the feudal ages.

The counsel given in conclusion, that the law and judgment of the Constable's Court should be such as will not admit of an appeal to the 'Parliament'—*tout court*—shows that the supremacy of the King in his Council in his Parliament over the Household Court was fully acknowledged.

We now return to the writer's earlier passage on the 'Doorwards,' for whom of old the Constable has been responsible. The doorwards are twenty-four sergeants who guard the King's body under the Constable. They take *bouche of court*,[3] court rations, and so divide that while twelve take their meal, the other twelve (armed) guard the hall-door with the ushers. Probably the meaning is that each man got but one of the two meals in the day, as appears more clearly in an account of Edward IV.'s squires, eating 'some of the first meat, some the latter.'[4] Half the guard kept watch round the King's private chamber, till vespers, then the whole guard —save a few who guarded the prisoners—kept watch all night on the King's chamber. When the Court moved, the twenty-four doorwards went or ran on foot before the Constable, in the place of the serjeants-at-arms or macers. What is told here is borne out by illustrative passages from other sources. The French Constable had jurisdiction over the serjeants-at-

[1] Dr. Neilson, on pp. 30, 31 of his *Sir Hew of Eglintoun*, Philos. Soc., Glasgow, 1900-01, has given an admirable account of the *Aula regia*.

[2] *Statutes of the Realm*, i. 139. The Tenby burgess *longius non ducatur nisi ad portam castelli Tenebie*, if he stands to law there, except in a case of felony. —*Eng. Hist. Rev.*, xvi. 103.

[3] See N.E.D., the *Babees Book*, and the *Liber Niger Domus Edwardi IV.* The Latin phrase was *os curiæ*.

[4] *King Edward II.'s Household and Wardrobe Ordinances*, 1323, ed. F. J. Furnivall, p. 69.

arms, as appears from a statute of 1355.[1] The English Constable was in Dugdale's opinion [2] originally Captain of the Guard, for Walter, the father of Miles, Earl of Hereford, is styled in a Llanthony chronicle *Princeps militiæ domus regiæ.*[3] What exactly was the relation of the sergeants-at-arms [4] to the twenty-four runners, in the English Court, is an obscure matter. The *Liber Niger* of Edward IV., in treating of the twenty-four Yeomen of the Crown, traces them to Edward III.'s statutes (now lost), and cites the description of them as twenty-four archers *a pie currauntz, enchierment* (sic) *devaunt le Roy par payes pur gard corps du Roy.*[5]

VIII

The Marshal (or his deputy) is treated by the Scottish writer as primarily the person answerable for the orderly service of meals in the King's hall, like the Marshal of the household of any great man. It is almost as an afterthought that his connection with the army is made known; every trespass that can be promptly judged, done in war-time under the banner, belongs to his court; of the powers of the Constable in martial law there is, strangely enough, not a word. His court is the Court of the Verge.

In the daily domestic service, it is fairly clear that the real work is being done by the two valet-marshals, one acting under the Marshal, the other, under the Steward and Clerk of the Liverance, serving at the second meal. The service of the King's own table is not regulated by the valet-marshal, but by the Steward and Constable. The Constable's place here is wholly peculiar.

In England there is no lack of information as to the duties

[1] Ducange, *s.v.* SERVIENTES ARMORUM.

[2] Dugdale's *Baronage*, i. 537.

[3] *Mon. Ang.*, v. 131.

[4] Thoms, *Book of the Court*, says that the twenty-four sergeants-at-arms began in Richard I.'s time. Pegge in his *Curialia* leaves the question untouched.

[5] *Lib. Nig. Domus Ed. IV.*, p. 38.

of the Master Marshal, later the Earl Marshal, from the Red Book of the Exchequer, from *Fleta*, from ordinances for the reform of the household, and in fullest detail from an account of the office written in the time of Richard II., printed in Spelman's *Glossary* and in Ducange.[1] From these sources may be learned what was 'the office of the Marshalsea in hall and in chamber,' in brief, to put down tumults, to act as quarter-master-general, and to guard the doors of the King's chamber,[2] but the tendency was to limit these household duties to the day of the coronation only, leaving the daily performance of them to under-marshals. The Scottish account of the Marshal's duties in arranging the King's hall is parallel rather to the descriptions given, for example, in Dr. Furnivall's *Babees Book*, of the position of that officer in an English nobleman's household, where he 'marshals' the guests, and must before all things know their order of precedence.

How the Marshal's powers in martial law were in England shared with the Constable is told at length, if (as Camden says) 'confusedly,'[3] in the above-named record of Richard II.'s reign. The Constable in France and England is throughout treated as the superior officer; the Marshal leads the vanguard, but the Constable is commander-in-chief.

IX

No Almoner is mentioned in the Laws of Malcolm Mackenneth. A certain Sir Rafe, the Almoner, appears in 1304,[4]

[1] Neither authority gives date or reference, but Mr. Round's analysis of the 'Marshalship of England' (printed in the *Commune of London*) enables me to identify it with the Cotton MS. Nero D. vi. to which he refers.

[2] By Richard II.'s time it is to guard the door when the King is in council but *not* the door of the King's chamber.

[3] See Camden's 'Discourse on the Office of Earl Marshal of England,' prefixed to his *Britannia*.

[4] Bain's *Calendar*, No. 1561. Edward I.'s Almoner at this time was Henry of Blunsdon. It looks then as if the Almoner of the Scottish household was an office still in existence, 1304.

Scotland, Lothian and Galloway, with no division north of the Mounth, and south of the Mounth. That division was the result of Edward I.'s settlement by the Ordinance of 1305, which gave two justices to Lothian, two to Galloway, two to the 'terres de la mer d'Escoce'—*i.e.*, the river of Forth and the Mounth (south of the Grampians)—two to the land of the mountains. The half-yearly ayre 'in the grass and in the corn,' or season of winter-sowing[1] appears here some one hundred and eighty years earlier than the earliest mention of it in the Scottish Acts of Parliament. It was in 1485 that 'it is thocht expedient the King's Justice aires be haldin universally in all parts of his Realme twys in the yere, anys on the girse, and anys on the corne,' unto the time that the realm should be brought to good rule.[2] That twice a year was the 'old use' appears from an Act of 1440.[3] It is proposed to leave the appointment of the Coroners to the Justices. Edward I.'s Scottish ordinance in 1305 directed his Lieutenant, Chancellor, and Chamberlain to appoint Coroners in the room of those found unfit. The Justices in Ayre are to be supplementary to the Justices of fee.[4]

XVI

It is proposed to place the election of Sheriffs with the good people of each county, with a proviso that the Sheriff should be a man of substance. What Edward I.'s ordinance of 1305 directed was that there should be Sheriffs, either Scotch or English, appointed by his Lieutenant or Chamberlain, and removable at discretion. It was directed that they should be sufficient men, profitable alike to the King and to the people.

[1] See many interesting facts collected in Tille's *Christmas and Yuletide*, p. 47; 'bi strô and bi grase,' p. 6.

[2] *Acts Parl. Scot.*, ii. 170, c. 4; and again in 1487, p. 182, c. 7, 'to be holden on the gers at sic days and times as are thought expedient,' and again in 1491, p. 225, c. 10. See also Jamieson, *s.v.* GIRSS.

[3] *Acts Parl. Scot.*, ii. p. 32, c. 2.

[4] For a full account of the heritable jurisdictions, see *Juridical Review*, ix. 428.

Nearly all the new Sheriffs of 1305 were English.[1] Our author thinks that the Sheriff should be escheator; the ordinance of 1305 directed that the Sheriff 'execute the office of escheatry as usual.' The proposal that the shire should elect its Sheriff was not a new one in England. In 1258, it was one of the Provisions of Oxford that Sheriffs should hold office for a year, and be of the counties for which they were chosen; in 1259 the Barons of the Exchequer were directed to choose one out of four persons chosen in the county court. In 1300, Edward I. ordered that those shires that wished to elect might do so.

XVII

Finally our author urges the trial of claimants of hereditary fees, whether they be of the household or not. His last sentence should perhaps be detached and made to apply to the whole scheme: 'Let the orders be issued in full Parliament and not by a smaller council.'

The drafter of this scheme is a person who deserves to be known.

Notes on Other Contents of the MS. C.C.C.C. 37.

It seems possible that the whole of this collection of fourteenth century memoranda was not always united in a single volume, though it must have been so united at an early date, for the full table of contents is given in a hand that may well be a contemporary current hand. Parts of the MS. are foliated in a contemporary hand, as if they had formed separate tractates.[2]

The first sixty-five folios include matters relating to calendars and astronomical tables. The first item is without title, but in

[1] Bain's *Calendar*, ii. p. xlv.

[2] Ff. 32-65 numbered vi-xxxv, ff. 65-75, i-x, ff. 88-93, i-vi, f. 94 has i, ff. 95-6 have been cut down to a fraction of their original size, f. 97 has vi, corr. from viii., f. 98 has vii, f. 99 has viii or viiii, and f. 100 has an x

the table of contents it is styled *Theorica Campani de motis planetarum*. This was the work of Joannes Campanus de Novaria, a Lombard, whose date has not been decided beyond controversy. At one time he was placed as early as the eleventh century, but the close of the thirteenth now has most support.[1] It is followed first by calculations on the conjunctions of the planets for 1306-1315, and on f. 26 by a *Kalendarium de scaccario*, 'in usum auditorum compotorum'[2] as the table of contents adds, and on f. 27 by a calendar which bears the name of Elveden. Walter de Elvedene's name is associated with other calendars, for instance one running to 1327, in Egerton MS., 831.[3] From the names of saints in the Corpus Christi MS. Calendar (in which no years are given), and from a mark K on the fly-leaf, Dr. M. R. James has suggested that a Bury *provenance* is possible in the case of this manuscript.[4]

On ff. 36-37a are arithmetical tables, and on ff. 37b-f. 43, a calendar, followed by another with three cycles of eclipses of the sun and moon worked for 1330-1386, and illustrated with coloured figures of eclipses. On f. 46 is an explanation of the 'liber compoti' or calendar in Latin verse, and on f. 48 an 'algorism' in Latin verse, and on f. 50 astronomical tables. On f. 52 is a *tractatus de fatis* in French prose, and on f. 61 a *tractatus Hippocratis* in Latin prose, on the knowledge of diseases through astronomy.

A separate section with separate foliation then begins, f. 66, with a list in French of the names of English castles, abbeys, and priories arranged under counties. On f. 73 follow (in Latin) the names of the hundreds, vills, and hamlets of Suffolk,

[1] See Chevalier's *Répertoire*; *Hist. Litt. de France*, xxi. 248; and Fabricius, *Bibl. Lat.*, i. 301.

[2] Of this Exchequer Calendar Madox made a copy, now extant in the B. M. Add. MS., 4563.

[3] Walter de Elvedene, who lived to a great age, and died about 1360, was fellow of Gonville Hall. See Venn's *Biographical History of Gonville and Caius College*, i. 2.

[4] *Sources of Archbishop Parker's Collection of MSS. at C.C.C.C.* Cambridge Antiquarian Society, 1899.

leave the country except on consideration of the return of a certain proportion of plate.[1]

On ff. 77a, b, are more statutes for Exchequer reform, printed among the statutes of uncertain date.[2]

On ff. 78-84a is an elaborate record of the London eyre of 14 Edward II., which adds materially to the account which is already in print,[3] particularly in the record it gives of the suits of private persons. At the close (f. 84b) a number of London ordinances are given, which have already appeared in print.[4] There are reasons for ascribing these to 1280.[5]

Last of the London documents (f. 86a) is a series of presentments against two Officials of the Archeacon of London, and an Official's farmer, charging them with extortions from a number of London citizens, who are named.

On f. 86b is a table of the value of the sack of wool in several counties, followed on f. 87a by a complaint to the King and Council of the extortions of the Bishop of Lincoln[6] and his commissaries, archdeacons, officials, deans, summoners, and parochial chaplains. They are charged with making false accusations, and drawing the accused to courts at a distance in order to obtain fines. Summoners are willing to pay twenty marks for their offices, although they have nothing certain by way of salary except what they derive from such extortions. They are the cause why husbands quit their wives, and wives steal the goods of their husbands, giving the money to the summoners. The sum extorted amounts to more than the King's tenth penny, and if inquiry were made the King would gain £2000 and more.

This is followed by a letter close of Edward III. to his Boston weigher, 23 September 1336.[7]

[1] Cf. *Rolls of Parl.*, ii. 105.
[2] *Statutes of the Realm*, i. 195-7.
[3] Riley, *Liber Cust.* i. 285 *sqq.*
[4] Riley's *Liber Albus*, pp. 260-6 (end of first paragraph).
[5] Cf. the MS. Liber Horn, at the Guildhall, London.
[6] Not in the *Rolls of Parl.*
[7] Cf. *Cal. Letters Close*, 26 Sept. 1336, p. 707.

On f. 87b is a *Lex Marisci*, which contains the laws of Romney Marsh, common to several manuscripts.[1]

Scottish Fragments.

FARMS OF THE SHIRE.—On f. 88*a* the collector begins his Scottish extracts with separate foliation. The first item gives a summary of the values of the shires of Scotland, presumably of the 'farms' for which the Sheriffs were answerable at the Exchequer. The sums named are throughout higher than those which appear on the Exchequer Rolls 1269-1359, but the sums paid into the Exchequer had presumably been reduced by the Sheriffs' allowances for royal expenses of all kinds. On the other hand the sums named are in all cases very much less than those given in 1367[2] for the 'ancient extent,' and also[3] than the reductions made as giving the 'true value.' What the MS. gives seems less an 'extent' old or new, designed to serve as a basis of valuation for national taxation[4] than a statement of an actual render to the crown, that composition for the demesne rents, judicial fines and other renders paid from the earliest times to the King, which were included in the 'firma comitatus.' In that case the £8099, 14s. 10d.[5] constitute 'ordinary' not extraordinary revenue.

It will be remembered that in 1304 nineteen rolls containing the extents of the demesne lands of Scotland were handed over to Edward's commissioners that they might have evidence for a supervision.[6]

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[1] *E.g.* Arundel MS., 310. Add. MS., 4563.

[2] *Acts Parl. Scot.* i. 142.

[3] Excepting Dumbarton, ancient extent, £1442, 9s. 6d.; true value, £96, 9s. 6d.: C.C.C.C. MS., £78, 10s. 0d.

[4] Cf. T. Thomson's *Tares upon Land in Scotland.* Memorial for Thomas Cranstoun of Dewar, Esq., against Archibald Gibson, Esq., Edinburgh, 1816. Dr. J. Maitland Thomson points out that the sums total of the Aberdeen and Banff rental, called Alexander III.'s extent (*Reg. Epis. Aberdon.*, i. 160-1), come to much less for Aberdeen and more for Banff than the C.C.C. totals.

[5] The numbers are correctly added.

[6] *Acts Parl. Scot.*, i. 12.

F. 88. NOMINA VICECOMITATUUM SCOCIE.

Inuernes, Crumbathi(n),[1] et Dingedale[2]

Summa totius vicecomitatus DCxxix li. xiiis. iiiid.

Vicecomitatus de	Inuernar(n)	„	„	Cix li. iiiis.
„	„ Foreys	„	„	Lxx li. xvis. vid.
„	„ Eglyn[3]	„	„	Cxli li. xvis. xd.
„	„ Banf	„	„	CCCC xiiii li. iis.
„	„ Aberden	„	„	DCCviii li. xvis.
„	„ Kyncardyn	„	„	CCCv li. viiis. iid.
„	„ Forfaire	„	„	Dlxxvi li. xiis. viid.
„	„ Perth	„	„	M[l]iiii[xx]vi li. xiis.
„	„ Vgtrardor[4]	„	„	Li li. xiiis. iiiid.
„	„ Kynros	„	„	Cxliii li. viis. vd.
„	„ Fyf	„	„	Clxvii li. ixs. viiid.
„	„ Clacmanan	„	„	Ciiii[xx]v li. viiis. xd.

Summa totius omnium vicecomitatuum ultra mare Scocie, . . . M[l]M[l]M[l]M[l] D iiii[xx]xi li. xxd.

Vicecomitatus de Striuelyn

Summa tocius vicecomitatus Dxxxiii li.

„	„ Linlithcu	„	„	Ciiii[xx]xv li. xvis. iiiid. ob.
„	„ Edenburg	„	„	CCCiii li. vs. vd. ob.
„	„ Hadyngton	„	„	Cxxv li. xvs. vid.
„	„ Berewyci	„	„	CCCiiii[xx]x li. iiiis. vid.
„	„ Lanark	„	„	CCCCiiii[xx]xiiii li. vis.
„	„ Are	„	„	CCiiii[xx]xi li. xviiis. iiiid.
„	„ Dunbretan	„	„	Lxxviii li. xs.
„	„ Wygeton	„	„	Clviii li. vis. viiid.
„	„ Dounfres	„	„	Cxxiiii li. iis. iiiid.
„	„ Pebles	„	„	Cxxvii li. xvs. viiid.
„	„ Rokesb(urc)	„	„	Diiii[xx]xiii li. xviis. viiid.
„	„ Selkyrk	„	„	iiii[xx]xi li. xiiiis. viiid.

Summa totius omnium comitatuum citra mare Scocie, . . . M[l]M[l]M[l] D viii li. xiiis. iid.

Summa utriusque tam ultra mare quam citra, ... viii[xl] iiii[xx] xix li. xiiiis. xd.

[PRICES]

Stirk i anni precium, xxd.

Colpundagh[5] ii annorum precium, xld.

[1] Cromarty. [2] Dingwall. [3] Elgin.

[4] Auchterarder, a borough and sheriffdom in the 1290 Exchequer Roll, p. 51.

[5] Cf. *Acts of Scottish Parl.*, i., where the price is 30 pence.

Bouiculus et juvenca iii annorum precium dim. marc.
Pone in fasshugh [1] id est capt. in manum Regis teneri [2] inseparabili [2] et respondere [2] de exitu.[3]
Juratores dicunt quod dolium vini communiter continet ad tabernand' v^{xx} lagenas.
Item dolium vini emptum ad iiii li., lagena debet vendi pro xiid.
Item dolium vini emptum ad liiis. iiiid., lagena ejusdem debet vendi pro viiid.
Item dolium vini emptum pro xls., lagena ejusdem debet vendi pro vid.

On ff. 88b, 90*a* is the account of the Scottish royal household here printed.

It is followed (f. 90*b*) by the conditions for the surrender of Berwick, 16 July 1333.[4]

On f. 91*b* collections concerning the Irish Exchequer begin,[5] extending to f. 96*b*.

The next item (f. 97) is an interesting newsletter in French on Robert d'Artois's defeat of the French, 26 July 1340, entitled 'La copie dune lettre qui vient de la outre de la desconfiture que Monsieur Robert Dartois fist sur Fraunczois.' It confirms the details of the story as told by Adam Murimuth and adds no further particulars. It is accompanied by the French form of the truce of 9 January, 1344.[6]

On f. 98*a* some Latin verses on monasticism have been entered and on f. 98*b* is a valuable table of weights and measures, adding materially to the facts known from the table printed in the *Statutes of the Realm*, i. 204–5. The account of the land measures which follows is the same as that already in print in the statutes.

[1] ? a pony at grass (Gaelic *fasach*). Mr. Joseph Hall suggests O.F. *faisnes, faisne*, Fr. *faisan*, 'stage,' formerly 'herden.' The pony is the beast of burden, not for riding. [2] *Sic.*

[3] I am at a loss to explain. The pony taken into the king's hand is apparently to be kept in severalty, and the sheriff is to answer for the issue its young.

[4] *Foedera*, ii. 882.

[5] These have been printed in *Eng. Hist. Rev.*, July 1903.

[6] In French in Avesbury's chronicle, in Latin in Murimuth and Hemingburgh.

HALIDON HILL.—The last item, f. 100, describes the order of the Scottish host at the battle of Halidon Hill, 19 July, 1333. The account bears a close resemblance to, but is not identical with, that printed by Tytler[1] from the Harl. MS. 4690 f. 79, an account in English, which is called the work of one John Douglas, monk of Glastonbury, but is really only a copy of what is common to a number of MSS. of the Brut. This Brut version enlarges upon that of Walter de Hemingburgh.[2] Knighton, based on Hemingburgh, has similar additions, and some curious variations. Joshua Barnes, the seventeenth century historian of Edward III., refers to a C.C.C.C. MS., no doubt the English Brut, No. 174. The Corpus Christi MS. 37, cited below, resembles most the French Brut (*e.g.* Royal MS. 20 A III.), a contemporary work (it closes 1333), but has some additional names and other variations.

F. 100*a*. (C)est le arrai et lassemble des gentz Descoce que vindrent a la bataille de Berewik: Cest assauoir lauantgarde le count de Morreue, Mons. James Frisel,[3] Mons. Watier Steward, Sire Reynaud (Che[4]) ne, Sire Patrik de Graham, Sire Johan Grant, Sire James Cardroke,[5] Sire Patrik de Chartres,[6] Sire Robert (de C)aldecotes, Sire Philip de Mildrum, Sire James du Jardyn,[7] Sire Thomas de Kerkepatrik,[8] Sire Gilberd (Wisem)an, Sire Adam de Gordon, Sire James de Gramath,[9] Sire John le Graung le fitz, et Sire Roberd de Gordon (fi)tz,[10] touz barenetz illoques oue estandardes portauntz et ouesque eux quaraunte

[1] *Hist. of Scotland*, ii. Notes and Illustrations D.

[2] Hemingburgh's *Chronicon*, ed. H. C. Hamilton, ii. 308. In the notes below H. signifies Hemingburgh (continuator); T., Tytler's MS.; K., Knighton (in Twysden, p. 2564). In Hailes's *Annals*, II. 301 *sqq.* (1779) is a valuable analysis of several accounts, with notes to many of the names.

[3] Simon Frisel is further added in H. and T.

[4] The beginning of each line is illegible, being caught up in the binding.

[5] H. Bardale, T. Cardeille, K. Carlyl.

[6] H. Berechere, T. Parkers, K. Careter.

[7] Not in T. Will. de Gardin in H. Will. Gareyne in K.

[8] Omitted in H. Kyrcke in T.'s MS. Thomas Toker in K.

[9] H. Garnegarth, T. Gramat, K. Granegranche.

[10] In place of these two last H. with K. has Alanus Graunt and Robertus Boid of Boovile; T. has Rob. Boyde and Hugh Parke.

bacheliers qui cheualiers[1] (deua)nt que[2] le iour faitz, et vi^{c} homes darmes et de comune poepl viii^{m} and ii^{c}.[3]

(E)n la moene garde le seneschal Descoce, le Counte de Meneteh, Sire James, son vncle,[4] Sire William (D)uglas, Sire Dauyd de Lyndeseye, Sire Hugh[5] Flemyng, Sire William de Kethe, Sire Duncan Kambel,[6] Sire James (Ste)ward de Caldru,[7] Sire Aleyn Stiward, Sire William du Jardyn,[8] Sire William de Abernethy,[9] Sire William de (B)rene de Eldyngton,[10] Sire Johan le fitz William, Sire Adam More,[11] Sire Watier fitz Gilberd, Sire Johan de (Ch)yrghton,[12] toux barenetz illocques oue estandardes portantz et ouesque eux xx Bacheliers[13] et DCC homes (d)armes et du comune poeple xvii^{mil}.

(E)n la tierce[14] garde le Counte de Ros, le Counte de Strath-erne de Sotheronland,[15] Sire William de (Ki)rkeleye, Sire John de Cambron, Sire Gilbert de la Haye, Sire William Gordon,[16] Sire William Prendregest, Sire Dauid Mar gardeyn du countee de Mar,[17] Sire Cristien de Herz,[18] Sire Johan Thomas[19] toux Barenetz

[1] 'Furent' seems to have been omitted. The banneret was a knight who led his vassals under his banner, the bachelier was a simple knight.

[2] Superfluous.

[3] H. has 'cum illis ccc armatorum et mmcc de communitate leuiter armati. T. has 'with forty knightes new dubbede, vi^{c} men of armes, and xiii^{m} comunes.

[4] H. omits 'le Counte de Menteth.' (Moneteth, T.) Sire James was the uncle of Robert Stewart of Scotland.

[5] Malcolm in H. and T. K. has 'Maclinus filius Andensis.'

[6] The following names are not in H. In T. they are given as those of the 'second part of the half hendward,' and they are given in K.

[7] Colden in T., Daldon in K.

[8] H. has him as Will. Gordoun or de Gardine in the first guard, after Adam Gordon. T. omits him in both places. K. has him here as Will. Yriskin.

[9] T. Will. Abbrelim.'

[10] T. in his place has Will. Moris and Rob. Walham. K. has Will. Moresth, and then Fitzgilbert.

[11] Mose in T.

[12] Gretton in K. with 'Will. Moresth de Glawlton.'

[13] H. has 'et plures quam xi milites cum ccc armatis ed de communitate mmm leviter armatorum.' K. has 'cum trecentis viris bene armatis, et trecentis de communibus armatis.' T. omits these figures, adding only to the 'first part of the half hendewarde' thritty bachelers new dubbede.'

[14] In H. this is 'in quarta acie,' and the next guard 'in tertia.'

[15] The rest are not named in H.

[16] Ramsaye in T. Not in K, where Prendergast also is omitted. K. gives him below in a list of those who did *not* come.

[17] Given as 'Erle of Marr,' at the head of the list in T.

[18] 'Kirston Harde' in T. Christinus de Hard in K.

[19] In his place T. has Will. Gurdon, Arnalde Garde, and Tho. Dolfine. K. has in his place Oliver de Seint Clere.

oue estandars (por)tantz et ouesque eux xv Bacheliers et DCCCC homes darmes et du comune poeple xv^{mil}.[1]

(E)n le ariere garde Sire Archebaud Douglas gardeyn Descoce, le Counte de Leuenax, le Counte de (C)arryk, le Counte de Fyf, le Counte Dassels[2] du doun Mons. Robert de Bruys,[3] [4] Sire Robert de Loweder, fitz Sire William Vypoin, Sire William de Lemyngston,[5] Sir Johan de Laundels,[6] Sire Jocelyn Schyryng-lowe,[7] (Sire) William Sreterleye,[8] Sire Bernard Frisel,[8] Sire Johan de Lyndeseye, Sire Alexandre de Lyndeseye, Sire Alexandre (d)e Grey, Sire Ingram de Vmfreyuill, Sire Patrik de Polutorch,[9] Sire Dauid de Wemes, Sire Michel (L)escot, Sire Richard Lowedre,[10] Sire Thomas de Boys, Sire Rogier de Mortymer, touz Baneretz oue estandars (p)ortantz et ouesque eux xxx Bacheliers faitz deuant le iour et xix^{c} homes darmes et de (comun)es (po)eple xviii^{mil}.[11]

Et deinz la ville de Beruik le Counte Patrik de la Marche gardeyn du chastel et l homes darmes Sire Alexandre de Setoun le per gardeyn de la ville oue c homes darmes et plusurs du (p)ays ouesque la comune de la ville.[12]

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[1] H. has 'et plures quam xii milites cum cc armatis et de communitate mmmm leviter armati.' T. has '40 knightes newe dubbede ix (*sic* but MS. adds c) men of armes and lxv^{m} cominers.'

[2] *I.e.* John Campbell, Earl of Atholl. H. has 'Joh. Campbell.' T. gives his title. K. has 'Joh. Clavelle qui se clamat Comitem de Asseles.'

[3] The 'du doun M. Robert de Bruys' is peculiar to this MS.

[4] The following names are not in H. K. has them under more or less absurd disguises.

[5] Launston in T. [6] Lavels in T.

[7] Gilb. Schirlowe in T. Jocus de Scherlynghong in K.

[8] Not in T.; in K.

[9] Pollesworthe in T. Yleward in K. [10] Will Landy in T.

[11] H. has 'et plures quam xvii milites, cum ccc armatis et de communitate mmmmccc leviter armati.' T. has 'with xxx bachelers, ix^{c} men of armes xviii^{m} and iiii^{c} cominers.' K. has 'cum ccc armatis de communibus armatis.' The French Brut, Royal MS. 20 A III., has 'quarante mill de la commune.'

[12] T. adds that the 'Erle of Dunbar, Keeper of the Castle of Berwicke, halpe the Scottes with 50 men of armes; Sir Alisaunder Seton, keeper of the towne of Berwicke, halpe the Scottes with an hundred men of armes; and the commens of the town with iiii (*sic*, but MS. has iiiiC) men of armes x^{m} and viii^{c} fotemenne. The sum of erles and lordes amounteth lxv. The sum of bachelers new dubbede a c and xl. The sum of men of armes iii^{m} vi^{c} and i (*sic* but MS. L^{tl}). The sum of cominers iiii^{xx}M and ii^{c}. The sum total of alle the pepelle amounteth iiii^{xx}MxvM and v^{c} and v.' Of these figures only the 140 bachelors will agree with the items given.

Summe des Countes x,[1] des Baneretz lxix,[2] des Bacheliers cv,[3] des gentz darmes iiii^{mil}ccl,[4] du comune poeple lxiii^{mil}cc,[5] et lestimacioun du comune de la ville oue les estraunges qui estoient deintz la ville du pais v^{mil}.

La summe de touz taunt deintz que dautres lxvii^{mil}DC xxiiij.[6] Lestimacioun des bones gentz mortz en la bataille iiii^{mil} et de comune poeple xix^{mil}.

This brief statement may serve to show the varied nature of the collection. The item latest in date is of January 1344; though the collector would seem to have been an Exchequer official working in London, his interests are by no means limited to those of the Exchequer. Like the compiler of the Red Book of the Exchequer he was concerned to record historical data of many subjects, times, and places.

M. B.

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[1] This agrees with the list above, but to make the general total, 67,624, correct, they must not be added. The 5000 Berwick strangers must also not be added.

[2] Really 67, with the earls, have been named; 69 is needed to make the sum total correct.

[3] This is right, if the items be added.

[4] The items make 4100.

[5] The items make 58,200 (*i.e* lviii^{mil}cc).

[6] The Book of Pluscardine gives the rough total 60,000.

THE SCOTTISH KING'S HOUSEHOLD EARLY IN THE FOURTEENTH CENTURY[1]

I

Pur ceo qe nostre Seignour le Roi voet estre asserte del gyement de son Roialme solonc les ancienes custumes & usage de la terre, avys est a ascuns de son roialme qe nostre Seignour le Roi se doit adrescer pur la saluete de seinte eglise & le commune profit de son Roialme davoir commun assemble & parlance personalment ouesqe touz les Prelatz, Counteș & Barons du Roialme, & de monstrer a eux qil est en bone volunte de gyer & meintenir lestat de seinte eglise & de son Roialme solonc les ancienes leyes & les usages de la terre en touz pointz. Et qils ne facent nule purprise sur les Burgs ne sur les demeignes terres en prejudice de sa corone, dont debat ne melle ne sourde entre eux en lour defaute, de quei il purroit auoir chalange deuers eux en lour desheritance.

II

Chanceller.—Et apres celle parlance & acord parentre eux primerement par le consail & lassent de eux & de touz le Barnage doit estre ordine bons Ministres et suffissanz de seruir au Roi denzeins & foreins: Cest assavoir, primerement Chanceller sage couenable & de bone descrecion & commun homme as Riches & as poures comme chief de son consail, & qi saueroit la fourme de sa Chancellerie & qi saveroit les leyes de la terre a demorer pres du Roi quant il luy plerra & aillours al ordinance le Roi en lieu couenable & al eise du poeple. Et qe lancien fee du seal de chescun brief soit pris & non pas outre sour peine de perdre le service le Roi a remenant, & qe nul brief soit done hors de Chancellerie fors qe les briefs de cours & pledables sanz especial comandement

[1] The MS. gives no heading.

du Prive Seal le Roi, le quel serra porte & garde par vn des plus sages & plus auisez du Roialme, car si cel office soit bien gouerne cest la clief & la saluetee du grant seal & la defeisance de touz les errours qi mouerent en la Court parentre le Roi & son Barnage. Et avera desouz lui tant des clercs comme il il couient par reson.

III

Chamberlanc.—De rechief qe Chamberlenk soit eleu par les grant auant nomez tiel qi sciet & poet gyer & gouerner les Burgs, les demeines terres le Roi & ses poures housebondes en demeine, & se mellera des gardes, relefs, mariages & de touz autres issues du Roialme au profit de la Corone, fors qe de ceux qi sont donez ou assignez par le Roi en chief, & qil face les achatz en gros, & ordeine la demore le Roi par lassent de ly meismes & lestat de son hostel pour les seisons del an, si qil poet viure de puruiance sanz ravyne du pays.

IV

Auditours.—Et qe Leschequer le Roi soit ordeine en certein place al eyse du poeple une foiz par an par le somons de quarante jours fait par brief le Roi a touz ceux qi acompte deiuent, pour aconte rendre de touz issues deuant les auditours del acounte. Et qe tiel auditours soient gent de bien & de descrecion eniointz par commission ouesqe le Chanceller & le Chamberlein pour tiel acounte prendre & alloweance faire par voye de reson au profit le Roi.

V

Clerc des Roules.—De rechief doit estre ordeine un clerc des roules qi contrerouler a totes les chartres & minimentz issanz de la Chancellerie & touz les acomptes del Escheqier par ses roules qi serront appelez les roules realx en chief, si qe le Roi poet conustre les feez et les fermes a luy dues de son Roialme entierement.

VI

Seneschal.—De rechief en lostel le Roi doit estre un Seneschal de fee ou vn suffissant chiualer presente pur luy pour cel office

faire, qi ordeinera lostel le Roi en certein par my le consail le Chamberlanc, a qi touz les officiers del hostel le Roi deiuent estre entendantz et mandera les defautes del hostel par sa lettre au Chamberlanc sicome il eschesent de ordener les amendes. Et les visconts serront entendanz au commandement du clerc de la livere par la ou le Roi voudra en droit de la sustenance del hostel quant[1] le Chamberlein ne y est pas, & de ceo aueront pleine alloweance.

VII

Conestable.—Derechief en lostel le Roi doit estre Conestable de fee ou un Chivaler suffissant pur luy par qi il voet respondre de garder le corps le Roi en chief & de garder la pees le Roi a dusze lieues environ, en tiele manere qe si nul de la Court, ou autre forein, dedeinz la verge trespas encontre la pees en qeconqe cause qe ceo soit, soit attache a la suyte de partie et fressement determine en la demoure le Roi & non pas ailliours, salve la suyte le Roi qe poet estre termine ailliours a sa volunte come de treson ou de sa pees enfreint. Et si le Roi gist en chastel ou en forcelet il auera la garde en chief pour la demoure le Roi & le porter le Roi la garde de la porte souz luy.

Et le Conestable & ses seriantz ferront tous les attachementz & aueront la garde de toux les prisons attachez dedeinz la verge ouesqe les feez qe appendent. Et si bataille soit aiugge des chivalers deinz le Roialme, il auera la garde du palays ouesqe le[2] Mareschal pour la iourne & aueront les feez qe apendent, solonc ceo qe Conestables & Marischals en ont en autres roialmes par ou qe chivalers combatent a chival. Et fait assavoir, qe le Conestable soleit auoir en ancien temps en lostel le Roi xxiiii. seriauntz qi furent appellez Durwardes gardant le corps le Roi desouz le Conestable, pour les queux il deueroit respondre, pernant du Roi buche a Court en tiele manere qe xii. de eux mangeront au primer manger & xii. garderont le vs de la sale ouesqe les vsshiers, chescun oue lour apparail de vint-quatre tanque le Roi eut mange. Et apres

[1] MS. 'grant.'

[2] MS. 'la.'

manger les autres dusze garderont le vs de la Chambre le Roi par dehors tanque a vespre, tote la compaignie feisant la garde entour la Chambre le Roi chescune nuyt al ordinance le Conestable & solonc ceo qil purront estre desportez pour la garde des prisons. Et quant le Roi chiuaucheroit par my son Roialme, les vintquatre irront deuant luy a pee deuant le Conestable en lieu des Masciers. Et fait a entendre qe si nul Burgeys le Roi ou autre homme de franchise soit attache par le Conestable de trespas fait dedeinz la verge, il auera[1] sa croice et son Marche de Burgh et serra iuge par ses pieres. Et sil soit del hostel le Roi, soit aiugge par ceux de la Court. Et si le Conestable tendra sa Court en la sale le Roi ou a la porte, &[2] serront oue luy en afforcement de la Court[3] le Seneschal, Mareschal, Paneter, Butiller, Porter & autres officiers, si les poet auoir bonement, od les autres frank qi serront trouez en la Court. Et qe tiele leye & iugement soient faitz deuant luy qe nul appele se face en chief au parlement en defaut de sa Court.

VIII

Mareschal.—Derechief en lostel le Roi doit estre Mareschal de fee ou vn Chivaler suffissant pour luy par qi il voet respondre pour faire loffice de Marischalcie, sicomme apent en Sale & en Chambre, a qi les officiers serront entendantz de ceo qe apent a son office; & a luy apent de faire apparailer la Sale al honour le Roi & asserra au manger les mangeantz apres la table le Roi assise, par auisement du Seneschal & du Conestable: auera un son vallet Mareschal desous luy & un autre vadlet Mareschal depute de par le Roi de servir al secound mangier & de faire ceo qe luy serra enioint ensecre de par le Seneschal & le clerc de la liuere. Et le Mareschal auera sa court en temps de guerre de tote manere de trespas fait desouz Baner & fressement estre determine.

IX

Aumoigner.—Derechief en lostel le Roi doit estre Aumoigner en fee [ou][4] vn Chiualer [pour luy] on vn Frere de Temple &

[1] ? auera, avouera, he may vouch. [2] The '&' is superfluous.
[3] The MS. has a full stop here and begins 'le' with a capital.
[4] Words in brackets supplied to complete the sense.

vn clerc, assigne desouz luy de par le Roi pour la garde del Aumoigne. Et le Aumoigner auera la garde de touz les Hospitals le Roi & ferra tiels mestres pour queux il voet respondre, bons husebondes & tiels qi scieuent profiter les mesons & les freres & les soeures sustenir; & les seriantz le Roi qi chiessent en age de son hostel, et ses poures bondes qi ne se poent aider, serront receuz & gouernez en les ditz hospitals solonc lestat des mesons. Et serront les hospitals le Roi une foitz par an visitez par le Chanceller sanz rien charger les mesons, en la presence le Aumoigner, comme celuy qest chief du consail le Roi.

X

Clerc de la Livere.—Derechief en lostel le Roi doit estre un Clerc de la livere bon et sage, ii. clercs desouz luy, qi se mellera des totes les pouruiances le Roi & ferra la livere en sale & dehors a chescun solonc la retenance; & touz les officiers del hostel qi se mellent des vitailles, ouesque les vsshiers del vs, qi sont au Roi en chief, luy serront entendantz: & durra acounte al Escheqier de touz les vitailles & despenses lostel le Roi.

XI

Clerc de la Prouene.—Derechief en lostel le Roi doit estre Clerc de la Prouene bon et sage qest appelle en auncien temps Clerc de Prouendre & un clerc desouz luy le quel contreroulera totes les despenses le Clerc de la Liueree chescune nuyte sur le petit acounte & contreroulera totes les despenses le Clerc de la Garderobe & le Clerc de la Quysine & auera deuers ly enroule la retenance le Roi. Et par luy serront faitz les entres al vs de la sale le Roi ouesque le consail de Mareschal & des vsshiers. Et par my le tesmoigne de ses roules aueront les Clercs de la Liuere, de la Garderobe & de la Quisine, alloueance sur leschequier en lour acompt & non pas outre.

XII

Clerc de la Garderobe.—Derechief en lostel le Roi doit estre un Tresorier qest appelle en auncien temps clerc de la garderobe, loial & priue le Roi, qi avera la garde des reliqes, ioeux, vestimenz, robes, tresore & de tote manere de apparaille &

attire appendant a la sale, la chambre & la chapelle le Roi. Et avera la garde des Espices, de Cire, & de totes manere des menues choses pour le corps le Roi. Et receivera les avantditz choses en gros par la livere le chamberlayn et rendra acounte al Escheqier & auera alloueance solonc le tesmoignance des roules le clerc de la proene.

XIII

Clerc de la Quysyne.—Derechief en lostel le Roi doit estre clerc de la quysine qi se mellera dedeinz la quysine & dedein le larder & verra qe nule gate soit faite & verra qe les meesses soien coupes de boef & de multon si comme ordine serront, & escrivera quant des meeses serront seruy pour la iourne dedeinz la sale & dehors & respoundera de mart & de multon ouesque les quirs, peals & autres appurtenances qe appendent & vendra au petit acounte chescun nuyte ouesque les autres officiers & auera al Eschequier alloueance de son acompte par tesmoignance des roules de clerc de la proene.

XVI

Vsshiers de office.—Derechief fait assauoir qe touz les vsshiers de totes mesons doffice de la Court le Roi serront fait de par le Roi & de ses demeynes gentz en queux il se affie & vendront au petit aconte ouesque les officiers pour la sauuete de ses biens, comment qe les grantz & plusours officiers sont de fee deuant ses houres, comme Pantler, Botiller, Lardiner, Pestour, Naperer, Chaundeler, Fawer, & tiels autres.

XV

Justices.—Derechief des forayns Ministres primerement doit estre elieu par les grantz auant nomez couenables Justices, sanz ceux qi sont de fee, qi scieuent & poent tenir leye & droiture as poures & as riches & maintenir & governer le droit le Roi en touz pointz qe apendent a sa corone, si qe nulle ne (*sic*) pleinte soit presente au Roi, fors tant soulement la pleinte qi ne poet estre redresse sanz la presence du Roi meismes, en la defaute des Justices ou des Viscountes. Et serrount en Escoce treis Justices, cest assauoir, Justice de Louness, Justice de la Mier Desouce, & Justice de Galewaye; & auerount lour sessions de

lour eire de Justice deux foitz par an, une foitz a la seisone del herbe, & un autre foitz a la seisone del yver, et ferront coroniers pour les queux il soleint respondre. Et deivent enquer en lour eir du port & de la ministracion des viscontes & des seriantz de fee & les chalanger a la Barre & presenter lour defautes au Roi en chief & autrefoitz en lour defautes.

XVI

Visconts.—Derechief en chescun Viscounte[1] doit estre elieu suffisant Viscont par auisement & la election des bons gentz de la counte & tiel qi sciet maintenir la leye as poures & as riches & qi ad dount destre puny sil trespas vers le Roi ou faille de son acounte rendre des issues de sa baillie, car autre eschetour ne doit estre fors tant soulement Viscount & ses seriantz qi seruiront au Roi de totes maneres des seruices en totes ses venues, solonc les auncienes leyes & usages du Roialme qe trop serroient pour escriure en ceste roule.

XVII

Derechief fait assauoir qe touz ceux qi cleiment dauoir office en fee du Roi de quel condicion qils soient denisainz ou forainz & qi clament dauoir certain fee ou retenances des costages le Roi en son hostiel, soit lour droit trie[2] par title sil eient ou par bone assise de lour piers & par bons genz qe mielz scieuent les choses, si qe le Roi ne soit deceu ne trop charge dune part ne eux desheritez dautre part. Et ceo soit fait en plein parlement & noun pas par meindre counsail.

TRANSLATION

I

Whereas our lord the King desires to be assured of the governance of his realm according to the ancient customs and usage of the land, it is thought by some of his realm that our lord the King ought to proceed, for the safety of Holy Church and the common profit of his realm, to have a common assembly and personal speech with all the prelates, earls and barons of the realm, and to show them that he is well willing to

[1] Corr. from *Counte.*

[2] Corr. from *detrie.*

govern and maintain the estate of Holy Church and of his realm according to the ancient laws and usages of the land in all points. And that they (the prelates, earls and barons) shall make no purpresture on the burghs and on the demesne lands in prejudice of his Crown, whereby debate or dispute may arise between them by reason of their fault, whereby he might have a claim against them to their disherison.

II

Chancellor.—And after this speech and agreement between them, first by the counsel and consent of them and of all the Baronage, there should be appointed good and sufficient ministers to serve the King, both within and without (the household); that is to say, first, the Chancellor, wise, suitable and of good discretion, impartial to rich and to poor, as head of his Council, and who ought to know the Chancery forms and know the laws of the land, to stay by the King when it pleases him, or otherwise, at the King's command, in a suitable place and for the convenience of the people. And that the old fee for the seal to each writ shall be taken and not more, on pain of losing the King's service for ever, and that no writ be issued out of the Chancery except the 'writs of course,' and pleadable without the special command of the King's Privy Seal, which shall be carried and kept by one of the wisest and most discreet of the realm; for if this office be well governed, it is the key and the safety of the Great Seal and the prevention of all the errors which can arise in the Court between the King and the Baronage. And he (the Chancellor) shall have under him as many clerks as are required in reason.

III

Chamberlain.—Further, that the Chamberlain shall be chosen by the great men aforenamed, such a one as knows how to guide and govern the burghs, the demesne lands of the King, and his poor husbandmen in demesne, and will deal with the wards, reliefs, marriages, and all manner of the realm's issues to the profit of the Crown (except with those which are given or assigned by the King in chief); and he shall make the purchases wholesale and regulate the King's dwelling, by the assent of the King himself, and the state of his household according to the season of the year, so that the household may live by purveyance without ravaging the country.

IV

Auditors.—And that the King's Exchequer shall be ordered in some certain place for the people's convenience once a year, on a summons of forty days, made by the King's writ to all those who owe an account, to render account of all the issues before the Auditors of the account. And that such Auditors be people of substance and discretion enjoined by commission with the Chancellor and the Chamberlain to take such account and make reasonable deductions to the King's profit.

V

Clerk of the Rolls.—Further, there should be ordained a Clerk of the Rolls who shall control all the charters and muniments issuing from the Chancery, and all the accounts of the Exchequer by his rolls, which shall be called the royal rolls in chief, so that the King may know the fees and the farms due to him from his realm in their entirety.

VI

Steward.—Further, in the King's household there should be a Steward of fee, or a sufficient knight, present for him, to perform this office, who shall order the household of the King in certainty by the counsel of the Chamberlain, to whom all the officers of the King's household ought to be heedful; and he shall make known the defects of the household by his letter to the Chamberlain when they shall choose to direct improvements. And the Sheriffs shall be heedful to the order of the Clerk of the Liverance in whatever the King shall wish relating to the sustenance of the household when the Chamberlain is not there, and for this they shall have full allowance.

VII

Constable.—Further, in the King's household, there ought to be a Constable of fee or a sufficient knight for him by whom he will answer for the guard of the King's body in chief, and for keeping the King's peace for twelve leagues around, in such a way that if any of the Court or any not of the Court make trespass within the verge against the peace, in whatever cause it may be, he shall be attached at the suit of the party and promptly tried in the King's dwelling and not elsewhere, saving the suit of the King which can be tried elsewhere at his will, as for treason or for breach of his peace. And if the King lies in a castle or a fort he (the Constable) shall have the guard in chief for the King's dwelling, and the King's porter shall have the guard of the gate under him. And the Constable and his sergeants shall make all the attachments and shall have the guard of all the prisoners attached within the verge with the fees that belong. And if battle be adjudged between knights within the realm, he shall have the guard of the barrace, with the Marshal, for the day, and they shall have the fees that belong, according as Constables and Marshals have them in other realms, wherever knights fight on horseback. And be it known that the Constable used to have of old time in the King's household twenty-four sergeants who were called doorwards, guarding the body of the King under the Constable, for whom he ought to answer, taking from the King court-rations in such a way that twelve of them eat at the first eating and twelve keep the door of the hall with the ushers, each with their equipment as of the twenty-four, until the King had eaten. And after eating, the other twelve shall keep the door of the King's chamber outside until vespers,

the whole company keeping guard about the King's chamber every night at the command of the Constable, and in such a way that they might be drafted off[1] for the guard of prisoners. And when the King would ride through his realm, the twenty-four go before him on foot before the Constable in the place of the macers.[2] And be it understood that if any burgess of the King or other man of franchise be attached by the Constable for trespass done within the verge, he shall have his cross and his borough-market and shall be judged by his peers. And if he (the accused) be of the King's household he shall be adjudged by those of the Court. And if the Constable shall hold his court in the King's hall or at the gate, there shall be with him in afforcement of the Court the Steward, Marshal, Pantler, Butler, Porter, and other officers if he can conveniently have them, with the other freemen who shall be found in the Court. And that such law and judgment be adjudged before him, that no appeal be made anew to the parliament by default of his Court.

VIII

Marshal.—Further in the king's household there should be a Marshal of fee, or a sufficient knight for him by whom he will answer for doing the office of the Marshalsea as it should be in hall and in chamber, to whom the officers shall be heedful concerning what pertains to his office; and it pertains to him to array the hall in honour of the King, and at table he shall arrange the eaters after the King's table is set, by the discretion of the Steward and Constable; he shall have a valet-marshal under him, and another valet-marshal deputed on behalf of the king to serve at the second meal, and to do what shall be enjoined him privately on behalf of the Steward and the Clerk of the Liverance. And the Marshal shall have his court in time of war of all manner of trespasses done under the banner and promptly to be adjudged.

IX

Almoner.—Further in the King's household there should be an Almoner of fee [or][3] a knight [for him], or a brother of the Temple, and a clerk assigned under him on the King's behalf to guard the almonry. And the Almoner shall have the guard of all the King's hospitals, and shall make masters such as are good housekeepers, for whom he will answer, and such as know how to advantage the houses and maintain the brethren and sisters; and the servants of the King's household who grow old, and his poor bondsmen who cannot help themselves, shall be received and governed in the said hospitals according to the means of the said houses. And the King's hospitals shall be visited once

[1] Literally 'cease.' See N.E.D. *s.v.* DISPORT.

[2] See *massier* in Cotgrave, and *servientes armorum* in Ducange.

[3] Words in brackets supplied to complete the sense.

a year by the Chancellor without any charge to the houses, in the presence of the Almoner, as by him who is head of the King's Council.

X

Clerk of the Liverance.—Further in the King's household there ought to be a Clerk of the Liverance, good and wise, and two clerks under him; he shall deal with all the King's provisions, and make the liverance in the hall and outside to each according to his due; and all the officers of the household who shall deal with the victuals, together with the ushers of the door who are of the King in chief, shall be heedful to him; and he shall give account to the Exchequer of all the victuals and expenditure of the King's household.

XI

Clerk of the Provender.—Further in the King's household there should be a Clerk of the Provender, good and wise, who is called of old Clerk of the Provender, and a clerk under him, who shall control all the expenditure of the Clerk of the Liverance every night on the petty account, and control all the expenditure of the Clerk of the Wardrobe and the Clerk of the Kitchen, and shall have enrolled before him the King's retinue. And the entries shall be made by him at the door of the King's hall, with the advice of the marshals and ushers. And by the evidence of his rolls the Clerks of the Liverance, of the Wardrobe, and of the Kitchen, shall have allowance at the Exchequer on their account, and not more.

XII

Clerk of the Wardrobe.—Further, in the King's household there should be a Treasurer who is called of old Clerk of the Wardrobe, loyal and familiar to the King, who shall have the keeping of the relics, jewels, vestments, robes, treasure, and of all manner of apparel and furniture belonging to the hall, the chamber and the chapel of the King. And he shall have the keeping of the spices, wax, and all manner of minor things for the King's body. And he shall receive the aforesaid things in gross by the livery of the Chamberlain and shall render account to the Exchequer, and shall have allowance according to the evidence of the rolls of the Clerk of the Provender.

XIII

Clerk of the Kitchen.—Further, in the King's household, there ought to be a Clerk of the Kitchen, whose business is in the kitchen and the larder, and he shall see that there is no waste, and shall see that the messes are cut, of beef and mutton, as they shall be ordered, and he shall write down when the messes shall be served for the day, in the hall and outside, and he shall answer for the beef[1] and the mutton

[1] *Mart* is the cow or ox fattened, to be killed at Martinmas (Nov. 11th), and salted for winter provisions. It occurs repeatedly in the *Exchequer Rolls*, i. See the Index.

with the hides, fells, and other appurtenances that belong, and shall come to the petty account every night with the other officers, and shall have allowance at the Exchequer on his account by witness of the rolls of the Clerk of the Provender.

XIV

Ushers of the Offices.—Further, be it known, that all the ushers of all the houses of office in the King's Court shall be chosen on behalf of the King, and from his own people in whom he trusts, and they shall come to the petty account with the officers, for the security of his property, although[1] the great officers, and many others have been hereditary in the past, for example the Pantler, Butler, Larderer, Baker, Naperer, Chandler, Waterer, and such other.

XV

Justices.—Further, concerning the foreign ministers; first, there ought to be chosen by the magnates aforenamed suitable Justices, besides those who are of fee, who know and keep the law, and (do) justice to poor and rich, and maintain and govern the King's justice in all points that belong to his crown, so that no complaint be presented to the King, except only such complaint as cannot be redressed without the presence of the King himself, by the default of the Justices or Sheriffs. And there shall be in Scotland three Justices, that is to say, a Justice of Lothian, a Justice of the Sea of Scotland,[2] and a Justice of Galloway, and they shall have the sessions of their justice ayre twice a year, once at the season of the grass, and once at the season of the winter-sowing;[3] and they shall make Coroners, for whom they are wont to answer. And they ought to inquire on their ayre of the conduct and administration of the Sheriffs and of the sergeants of fee, and challenge them at the bar, and present their defaults to the King in chief and at other times (also) in their defaults.

XVI

Sheriffs.—Further in every Sheriffdom there should be elected a sufficient Sheriff by the advice and election of the good people of the county, and such as know how to maintain the law for poor and rich, and who has property wherein he may be punished if he trespass against the King or fail to render his account of the issues of his bailiwick; for there ought to be no Escheator other than only the Sheriff and his sergeants, who shall serve the King in all manner of services in all their views, according to the ancient laws and usages of the realm which would be too long to write in this roll.

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[1] Kelman gives *coment cy que* = although.

[2] *Les terres de la mer Descoce c'est a sauoir entre la Rivere de fforth et les montz.* Ordinance of Edward I. 1305. *Acts of the Parliaments of Scotland*, vol. i. p. 14.

[3] *Yver* seems to be used for *yvernage*, the time for sowing corn in the autumn.

XVII

Further be it known that all those who claim to hold office of fee from the King, of whatever condition they may be, denizen or foreign (to the household), and who claim to have certain fee or maintenance at the King's cost in his household, let their right be tried by title (-deed), if they have any, or by the good assize of their peers and by good people who best know the matter, so that the King be not deceived nor overcharged on the one side, nor they disinherited on the other, and let this be done in full Parliament and not by a less council.

THE SCOTTISH NATION
IN THE
UNIVERSITY OF ORLEANS
1336-1538

Edited by

JOHN KIRKPATRICK, LL.D.

Redacted

From an Etching.

SALLE DES THÈSES, OLD UNIVERSITY OF ORLEANS

Erected towards end of 15th century, restored in 1881.
Now the seat of the Archæological Society

INTRODUCTION

I.—Early History of the University

The fame of Orleans as a seat of learning dates from the sixth century. When Gontran, king of Orleans and Burgundy, arrived at Orleans in 586 he is said to have been welcomed by the learned men of the place in Syriac, Hebrew, and Latin. Among other subjects, Greek also seems to have been taught from a very early period by its *scholae liberalium artium*, but their work was interrupted by the invasions of the Normans. After the cessation of these invasions the schools revived, and among them the college of Sainte-Croix attained a high reputation. At the end of the eleventh century or the beginning of the twelfth, simultaneously with the university of Bologna, if not earlier, these schools began to teach Civil or Roman Law. Irnerius (who died in 1140), the first of the famous Glossarists, revived the study of Roman Law at Bologna at the period just mentioned, but France claims the authorship of the *Petri exceptiones legum Romanarum*, a treatise written soon after the middle of the eleventh century, while from Orleans is said to have emanated the *Brachylogus*, an abbreviation of Justinian's *Institutes*, written towards the end of the eleventh century, or perhaps earlier.

From the twelfth century onwards the Orleans school of law attracted Flemish, German, and other foreign students, and soon practically assumed the status and functions of a university. Thus, in 1231, Pope Gregory IX authorises masters in the faculty of arts and physics who have obtained their licence to teach, and who have already taught, at Angers

or Orleans, to teach at Paris also without further examination. In 1235 the same Pope, in a letter to the Bishop of Orleans, expressly authorises the study of Roman Law at Orleans, 'where a number of doctors and students of law reside'; and in another letter to the bishop, in the same year, he alludes to the 'multitude of students' in that city. Among the numerous 'town and gown' riots recorded in the history of the university, one of the most lamentable occurred in 1236. It is mentioned by Matthew Paris, who is corroborated by the university documents. In this affray, instigated by *muliercula quadam*, many students, including several of noble birth, are said to have been slain.

Among many other proofs of the importance of its law-schools, it may be mentioned that the doctors of the *studium* of Orleans were on several occasions during the thirteenth century asked to give legal opinions; that, in 1297, King Philip le Bel exempted the students of Orleans from taxation; and that, in 1298, Pope Boniface VIII presented a copy of the sixth book of the Decretals to the 'University of Orleans.' On the death of Boniface VIII, hastened by the ignominious treatment to which he had been subjected by Philip le Bel, the latter procured the election in 1305 of Bernard de Got, a French prelate, who assumed the name of Clement V, and who, as the king hoped, would help him to resist the encroachments of the Papacy.

On 27th January 1305, the new Pope signed four bulls at Lyons, erecting the *litterarum studium* of Orleans, where he had studied and graduated, and where, as he expressly declares, the study of Civil Law had anciently flourished and would flourish again, into a *universitas*, with the autonomy and all the other privileges accorded to the university of Toulouse by Pope Gregory IX in 1229, and Pope Innocent IV in 1245. Of these privileges one of the most remarkable was the jurisdiction granted by the Pope to the new university over the citizens of Orleans. Regarding this as an infringement

of the civil law of the land, Philip le Bel refused to assent to the papal bulls. The citizens too were indignant, and riots ensued. In 1309 the citizens attacked the doctors and students who had assembled in the monastery of the Jacobins, or Dominicans, for the purpose of publishing and enforcing the privileges granted by the Pope. For this attack the Parlement of Paris, by a decree issued in the name of the king in 1311, condemned a number of the citizens to be heavily fined and to be ignominiously marched through the town in their shirts. Although the sentence was not carried out, this decree implied a renewed recognition of the *studium* by the state, while in the previous year the king had forbidden the citizens to overcharge the students of the *scholae* for board and lodging. The doctors having then petitioned for an express recognition of their privileges, the king in 1312 issued eight different letters-patent practically recognising these privileges, but so worded as to make it clear that these privileges were derived from him and not from the Pope. These royal decrees are to the following effect: The king grants his protection to the students, masters, and doctors of Orleans; he orders the masters and students to appoint a dean, for the purpose of maintaining order, and he prohibits meetings of the 'nations'; he sanctions the teaching of law in the *studium*; he approves of the election, by the doctors, of two representative citizens to co-operate with the university authorities in keeping order, and especially in enforcing the laws against usury; he directs his *praepositus*—that is, the provost or chief administrative official of the city—to see that members of the *studium* are provided with board and lodging at reasonable charges; he requires the *ballivus*, or chief judge of the city, to swear to observe the privileges of the doctors and students; but he expressly declares that the *studium* is not to be a *universitas*, or to enjoy independent legislative powers.

By these decrees Philip le Bel evidently sought to minimise

the authority of Clement V, and thus to vindicate the supremacy of the State over the Church. The Pope, however, is usually regarded as the true founder of the university; and, notwithstanding the king's declaration just mentioned, its full academic status was never afterwards disputed.

A curious episode in the history of the university consists in the secession of the doctors and students to Nevers (1315-19), caused by the hostile attitude of the citizens, and by the overbearing conduct of the *praefectus* of Orleans, who, in spite of the royal commands, refused to recognise the jurisdiction of the university. A compromise is at length effected by the combined efforts of Pope John XXII and King Philip V (le Long), the seceders are recalled in 1319, and in 1320 the majority of the citizens agree to the proposed reforms and swear to observe the privileges of the university. The king anew declares the *studium* of Orleans to be a *universitas* or *studium generale*, and confirms most of its original privileges; but he deprives the academic authorities of any jurisdiction over the citizens of Orleans, and even over their own doctors and students, except in cases affecting the interests of the whole university.

One of the bulls of foundation had already forbidden members of the university to carry arms. In 1323 a university statute, which is to be enforced by the 'procurators of the nations,' renews the prohibition, 'tears and prayers being the proper weapons of clerics.' To the same year belongs a decree of the Parlement of Paris which fines and dismisses the *praefectus* for imprisoning peaceable students and extorting money from them. Between this date and 1389 the members of the university seem to have been frequently maltreated by the citizens, and in some cases murdered; and accordingly the *ballivus*, the *praefectus*, and other government officials are repeatedly required to swear to respect the privileges of the university.

The organisation of the university is practically completed

in 1335-37. In 1335 a university ordinance regulates finance and appoints a treasurer. Down to this period the *scholasticus*, the ecclesiastical superior of the university, next to the bishop, claimed a right to regulate and attend the examinations in law, but in 1336 the university authorities make a compromise with him, to the effect that they may fix the dates and places of examination, while the *scholasticus* retains his right of attendance and general supervision. The deed of compromise contains the name of Gartentus Bisetus, among the witnesses, as 'procurator of the Scottish nation'; but Scottish students had probably attended the university for some time before they were organised as a distinct 'nation.' The next Scottish procurator mentioned in the university records is Walterus de Conventre, who in 1337 witnesses a university statute against carrying arms.

In 1365 an ordinance of the university is directed against the abuses attending the festivals held by the nations; it requires students from their second or third year onwards to wear an academic gown, except when riding through the city, when they may wear the ordinary civic tabard or *houssa*; and it prohibits the extortion of *beianium* from *novitii* for the purpose of celebrating their *jocundum adventum* by unseemly carousals. This last prohibition recurs frequently, and it is reiterated in a letter of the Bishop of Orleans in 1367.

The university now contained two distinct faculties, that of classics and theology, and that of civil and canon law. To the latter in particular, as it had long been the predominant faculty, governed by its own chancellor, the term *université de lois* was frequently applied. It was this faculty that first organised a regular system of graduation, a step which was opposed by the theologians. A compromise was effected in 1336, as mentioned above, when a room was at length set apart for the examinations in law; but it was not till a century and a half later that the faculty of law obtained a hall of its own. It was with this object that the university

purchased the site of the *Salle des Thèses* (see Frontispiece) in 1411, but in consequence of the war with England no further step was then taken. For some time after the siege of Orleans (1428-29) the university was practically closed, but from 1444 onwards it entered on a new period of prosperity, and in the latter half of the fifteenth century the examination hall was at length erected.

The fame of the university, and particularly of its school of law, attracted many different nationalities. The number of 'nations' into which the students were divided seems to have reached its maximum of ten in the fifteenth and sixteenth centuries. These were the nations of France, Lorraine, Germany, Burgundy, Champagne, Normandy, Picardy, Touraine, Scotland, and Aquitaine. While these nations were then considered quite distinct, it is obvious that at a later period those of Scotland, Germany, and Lorraine would alone be regarded as foreign nations. A step in this direction was taken in 1538. In consequence of the prolonged and disastrous English, Italian, and other wars, the number of students attending the university had seriously diminished, and accordingly in that year the Parlement of Paris decided to reduce the number of nations to four. Thenceforth France included Burgundy, Touraine, and Aquitaine; Germany included Lorraine; Picardy included Champagne; while the Scottish nation was merged in the Norman. This explains why the book of the Scottish nation closes with the year 1538. It is probable that Scottish students still continued to attend the university, at least down to the union of the Scottish and English crowns, when the alliance between France and Scotland necessarily terminated; but the number must have steadily diminished, as Scotland now possessed universities of her own, which enabled her students to complete their education at home, while the few who desired to study abroad seem to have been gradually diverted to the Protestant universities of Holland and Germany.

From the above sketch it thus appears that, from the sixth century down to 1305, Orleans possessed a flourishing *litterarum studium*, which from the end of the eleventh century had been specially famed as a school of law; that in 1305-12 this school was erected into a university with all the usual mediæval privileges; and that, within the next half-century, the organisation of the university was completed. It appears also, as the sequel will further prove, that Scotland is indebted for her early legal education to the *fructifera et alma universitas* of Orleans.

II.—Fame of Orleans as a Law School

But how, it may be asked at the outset, did the university come to be so famous as a school of law, and why, in preference to all other mediæval universities, scarcely excepting its great rival Bologna, was it so largely attended by Scottish and other foreign students? These facts are accounted for (1) by the very early reputation of the *litterarum studium* as a law-school; (2) by Pope Clement V's express approval of the study of civil as well as of canon law; (3) by the promulgation in 1219, by Honorius III, of the famous bull *Super speculam*, forbidding the university of Paris to teach Roman Law, and in 1254, by Innocent IV, of the bull *Dolentes*, discouraging the study of Roman Law generally; and lastly (4), in so far as Scotland was concerned, by the existence of the ancient Franco-Scottish League (which lasted from about 1295 down to the union of the English with the Scottish crown in 1603), and by the fact that all the Popes from 1305 to 1378 were Frenchmen. Two further considerations would doubtless attract Scottish students to Orleans rather than to Bologna or elsewhere: one, its comparative nearness to Scotland; the other, that from the earliest times the Orleans school of law had been noted for the practical tendency of its teaching, while that of Bologna, from the time of the Glossarists onwards, had been specially addicted to textual

criticism. Though prohibited at Paris, the teaching of the Civil Law was permitted at Angers, at Avignon, and at Montpellier, as well as at Orleans, but for the whole of north-western Europe Orleans practically enjoyed a monopoly in this respect.

Why the Church, by the two bulls above mentioned, prohibited the teaching of Civil Law at Paris (where the great jurist Cujas required special permission to teach it in 1576, and where the prohibition has left its traces down to the present day), and discouraged such teaching generally, is a question which has given rise to keen controversy in France and elsewhere. Many writers have denounced the policy of the Church as intolerant and bigoted; while others, such as Roger Bacon in the thirteenth century, and Richard de Bury, Bishop of Durham, in the fourteenth, on the ground that the study of Roman Law 'made men friends of the world and enemies of God,' have complained that the prohibitions of the Church were not nearly stringent enough. The truth is, as has been ably shown by M. Marcel Fournier,[1] that the policy of the Church in this matter was simply a natural and necessary phase of the ancient antagonism between the ecclesiastical and the civil powers, the former regarding a universal *Civitas Dei* founded on Canon Law, with the Pope as supreme ruler, as the ideal commonwealth for the whole of Christendom, and the latter appealing to Roman Law as the guardian of men's civil rights and liberties and of the independent sovereignty of individual states. This policy had been proclaimed by the Church at the Councils of Rheims (1131), Lateran (1139), and Tours (1163), as well as on other occasions, when clerics were enjoined to eschew secular studies and to devote themselves solely to theology. The total exclusion of Roman Law from the university of Paris was simply one of the manifestations of that policy, the bull *Super speculam* itself declaring

[1] *L'Eglise et le Droit romain au XIII^e siècle.* Paris: Larose et Forcel, 1890.

its object to be the promotion of the study of theology and the suppression of heresy. From the papal point of view it was highly desirable that the chief university of France, above all others, should be a stronghold of the Church, devoted solely to the study of arts and theology. The bull thus unwittingly injured the university itself, and effectually excluded from it all students of law, both native and foreign.

Hence, in the middle ages, Orleans was the great centre of attraction for Scottish and other law-students from northern and western Europe. Among other striking proofs of this is the fact that the statutes and other documents of the German nation, extending from 1306 to 1734, are far more numerous than those of any of the other nations (France, Aquitaine, Lorraine, Burgundy, Picardy, etc.), while those of the Scottish nation, though in a somewhat confused and imperfect condition, embracing the period from 1336 to 1538 only, are also of considerable volume.

Besides these academic ties, several other bonds of union existed between Scotland and Orleans, especially in the fifteenth and sixteenth centuries. Thus, John Kirkmichael or Carmichael, canon of Bourges and of Orleans, who acted in 1421 as the representative of Sir John Stewart of Darnley in the deed of foundation printed below, was appointed Bishop of Orleans in 1426, as 'John de Saint Michel.' At the siege of Orleans in 1428-29 he gave valuable assistance to Joan of Arc. In 1429 he founded an annual service, still maintained, of thanksgiving for the delivery of the town, and the same year he was one of the officiating prelates at the *sacre* of Charles VII at Rheims.

Two other interesting facts, unrecorded in the book of the Scottish nation, may be noted here. William Elphinstone, Bishop of Aberdeen, and founder of the university of Aberdeen in 1494, had been during three years before 1484 first a student and then a professor of Civil Law at Orleans; and in the bull of Pope Alexander II sanctioning the new univer-

sity, it is declared that, while the Canon Law is to be taught according to the custom of Paris, the Civil Law is to be taught after that of Orleans. The other fact is that George Buchanan, who in 1563 became a leading member of a commission for the reform of the Scottish universities, was a friend and frequent correspondent of Pierre Daniel, a distinguished member of the university of Orleans and an advocate of the Parlement of Paris, and assisted him in preparing the first edition of his *Querolus*, published in 1564.

Thus far enough has been said to show that Scotland owed its early training in Roman Law to the university of Orleans, while the Court of Session, founded in 1532, was modelled after the Parlement of Paris. The legal procedure and the legal phraseology of Scotland, so far as not of native growth, are also distinctly traceable to Roman Law and to the French judicial system, which last had itself been mainly built up by jurists trained at Orleans. Germany, too, owes much of her legal education to Orleans, which attracted great numbers of her students of law from the thirteenth to the eighteenth century, and the same remark applies to other parts of northern Europe. The statutes of the German nation are therefore of great interest and importance, especially as they seem to have been adopted in part by the Scottish nation also.

III.—Statutes of the German and Scottish Nations

The general statutes of the university and the special statutes of the German, Scottish, and other nations have been published by M. Marcel Fournier in his admirable collection of the statutes of the French universities,[1] while his monograph on the German nation in the fourteenth century[2] is specially concerned with its leading statutes of 1378-82. Those of the Scottish nation are contained in the *liber nationis*

[1] *Statuts et Privilèges des Universités françaises.* Paris: Larose et Forcel, 1890.

[2] *La Nation allemande à l'Université d'Orléans au XIV^e siècle.* Paris: Larose et Forcel, 1888.

Scotie Aurelianis existentis, which forms No. 405 of the 'MSS. of Queen Christina' in the Vatican Library. This MS., which has been newly transcribed for the Scottish History Society by Dr. G. Herzen of Rome, contains the names of some fifty Scottish procurators and *magistri* who attended the university between 1336 and 1538, and indicates Orleans as the true source of the great influence exerted by Roman Law on the Law of Scotland. As, however, about one-eighth only of this bulky *liber nationis Scotie* is specifically Scottish, that portion only is here reproduced. Although the greater part of its contents has already been published in M. Fournier's great collection,[1] the portion alluded to, with the addition of the records of the appointment of procurators, is now printed in a more accessible form, followed by a translation, and by a list of the procurators of the Scottish nation from 1336 to 1538.

The early statutes of the German nation allude to the existence of that nation in the university from the end of the thirteenth century onwards, and in point of fact the historical documents of the nation range from 1306 to 1734. The statutes of 1378 and 1382 were written in a new book purchased at the expense of ten doctors, twenty-one bachelors, and twenty-seven scholars, who also subscribed for two new silver seals. The number of subscribers of itself testifies to the importance of the nation. This spirited new departure is accounted for by the troubles caused by the Great Schism, which began in 1378; for the statutes pointedly allude to the dissensions ensuing on the death of Pope Gregory XI in that year, and to the 'accursed schism,' causing the loss of 'thousands upon thousands of souls,' which evidently moved the German nation to set its house in order. The Germans moreover adhered to the new Italian Pope Urban VI, while France and Scotland

[1] See in particular vol. i. pp. 178-9, 202-3, and 231. See also the statutes of the German nation, pp. 134-49, or in M. Fournier's *La Nation allemande*, already noted.

recognised the French anti-pope Clement VII. It may be noted here that the statute *de festis nationum* contains the interesting and probably true declaration that the German nation is the greatest of the seven nations then existing in the university, 'whether France, Picardy, or Burgundy.' The same statute declares that the German, Lotharingian, and Scottish nations refused to take part in the games, and their attendant evils and excesses, with which the other nations were wont to celebrate the festivals of the Church; and another allusion to the sedate character of these three nations is contained in a German statute of 1482.

The *Book of the Scottish Nation* contains four different elements: (1) the bulls of foundation, royal patents, and other documents common to the whole university; (2) that part of the German statutes which was adopted by the Scottish nation, or was at all events inserted in the Scottish book, probably by the authority of Peter Hud, procurator in 1451; (3) several specifically Scottish statutes; and (4) the signed records of the appointment of procurators of the nation, with their signatures, coats-of-arms, monograms, and mottoes, some of these very elaborate, but most of them rude and primitive. The first of these elements, and by far the most voluminous, occupies about fifty-six of the closely-written sixty-eight folios of the bulky *liber*; the second about three folios and a half; the third about two and a half; and the fourth the remaining six folios. Of the first of these component parts a slight outline has been given in the first chapter of this sketch; the second part need only be noticed briefly, as it has already been twice published;[1] the third and fourth parts, now presented chronologically for the first time, will require somewhat closer examination.

When or how part of the German statutes of 1378-82 came

[1] The portions inserted in the Scottish book are pp. 12 to the end of the first paragraph on p. 19 of M. Fournier's monograph, and also the statute about the *bedellus* on p. 41. See also preceding note.

to be adopted by the Scottish nation, or whether they were regarded as binding on the latter, is unknown. From their position in the manuscript they would seem to have been inserted by the procurator Hud about 1451 ; but they may possibly have been adopted by the Scottish nation from the first, especially as those portions which are specifically German (*e.g.* laudatory of their fatherland) were omitted from the transcript. Their German origin, however, is undoubted. They state that they were drawn up by Canon Heinrich von Odendorp of Cologne, a graduate in arts and law of Orleans, who is expressly authorised to write them in a new book. As the so-called Scottish statutes contain precisely the same statement, it follows, either that the canon was expressly authorised to act for the Scottish nation also, or that the latter simply afterwards adopted, in part, the statutes framed for the German nation. The leading German statute is entitled *Statutum Nacionis super voce et officio procuratoris et de juramento procuratoris et noviciorum.* The leading Scottish statute is identical with it, save for the assertion it contains that it was passed by a meeting of the representatives of the 'Scottish nation'; while the German statute declares that it was passed by the 'German nation.' Of these two assertions the latter is undoubtedly true, while the former probably means that the statute was afterwards adopted by the Scottish nation.

The substance of these somewhat prolix, magniloquent, and obscure statutes of 1378-82 is briefly as follows:—The preamble of the first statute states that those who wield the sceptre of administration ought to provide for the good government of the nation, and to prevent the recurrence of the dissensions which arose on the death of Pope Gregory XI in 1378. Canon Henricus de Odendorp is then instructed to frame the statutes, and to enter them in a new book to be procured for the nation. The first section provides that the procurator, or president of the nation, shall have no vote

THE DEVICE AND ORDER OF THE SCOTTISH NATION

DO NOT CIRCULATE

novices and procurators alike must swear to maintain the inviolability of the seals.

After many other omissions from the full German statutes, the Scottish book next adopts the German regulations for the election of the *bedellus*. He is to be chosen by a small committee of the nation, and approved by the rector and the college, or teaching staff. He must swear to be loyal and obedient to his nation; to reveal no secrets; to call no private meetings; to be no party to any alienation of the seals; and to inform against novices who have neglected to take the oath.

Those of the German statutes that appear in the book of the Scottish nation seem to possess a general character, which was probably common to the statutes of all the nations, and which would therefore justify their adoption by the Scots. For the full text of these statutes reference may be made to M. Fournier's great collection or to his excellent monograph already mentioned.

Those statutes and documents which are specifically Scottish are of more immediate interest to the student of Scottish history. Most of them speak for themselves, but they may be prefaced by a few words of explanation.

The first of these purely Scottish documents, dating from 1397, marks the solicitude of the nation for the maintenance of its authority and its finances. For the purchase of a mace and a book of the nation, and for other expenses, all Scottish students, whether intending to graduate or not, are required to contribute four Parisian *solidi* to the funds of the nation. The same solicitude appears in the oath to be taken by the procurator, in the first of the following documents. This oath differs from that imposed by the German statute in respect that the Scottish procurator has to swear not to administer the oath to *novitii*, or to deliver their diplomas to graduands, until he has seen the treasurer's receipts for the four *solidi* payable by them in each case. He must also swear to sue for

fees due to the *bedellus*. The section immediately following again requires each *novitius* to pay a fee of four *solidi*, and further exacts a fee of three *solidi* from each student in his subsequent years.

The second of these Scottish statutes, dated 1407, defines the duties of the treasurer. He must render his account to a meeting of the nation, to be held annually on the Sunday preceding St. Andrew's Day, when he may be asked to resign or may be re-elected. He must deposit the money he collects with a certain Petrus de Sancto Maximino, who is to act as the banker of the nation, and who must note in his book the amount and the date of each deposit. The procurator, too, must keep a book in which to enter the sums paid to the said Peter. Peter, on the other hand, must not make any payment out of the funds, except to the procurator in presence of a meeting of the nation. And in case, 'which God forbid,' that the nation should be reduced to one or two members only, Peter must not disburse money to them unless they are grave and honest men, and then only in the presence of the college of doctors and procurators, and of the *bedellus* of the nation.

The third statute, dated 1408, enacts that, 'especially for the speedier acquisition of a mace,' every student, whether novice or graduand, shall pay the nation a contribution of eighteen Parisian *solidi*. And a statute of the following year (No. IV) further exacts a fee of eight *solidi* from graduands coming from other universities. The treasurer's oath, which immediately follows, should rather have been appended to the statute of 1407 (No. II), to which it obviously belongs.

The next statute (No. V), dated 1411, also relates to the finance of the nation, and reiterates the desirability of procuring a mace. It states that the annual contribution of students and graduands had formerly been ten *solidi*, while graduands from other universities had been required to pay sixteen *solidi*, a statement that probably refers to one or

more previous statutes which have not been preserved. This statute then proceeds to raise these fees to eighteen *solidi* in each case.

The next document printed below (No. VI), dated 1421, one of the most interesting in the book of the Scottish nation, is a deed whereby Sir John Stewart of Darnley, constable of the Scottish army (ancestor of Lord Darnley), founds a daily and perpetual Mass for the repose of his soul and of the souls of his wife Dame Elizabeth and his relations and benefactors. He had expressed a wish to be buried in the cathedral of Orleans, and he now delivers to the dean and chapter, by the hands of Magister Joannes de Kirmichel or Carmichael (misspelt 'Kirunchel' in the transcript), one of the canons, the sum of 1050 golden crowns for the foundation of the Mass in question. The dean and chapter accordingly grant an obligation to the founder, his heirs and assignees, and to the university of Orleans, the rector, and the Scottish 'nation,' to carry out his wishes faithfully and devoutly. Among the other parties to the deed, besides John Kirkmichael, the representative of the donor, are Magister Simon Gueretus, professor of law, rector of the university, and sub-dean of the cathedral, and Joannes Day, one of the canons (and perhaps a member of the Scottish nation). On behalf of the university the deed is accepted by Gueretus, the rector, and on behalf of the Scottish nation by its procurator. Although the name of the latter does not appear, the fact of his presence on this occasion helps to fill up the gap, from 1411 to 1451, in the list of procurators actually named in the Scottish book. As several other procurators whose names do not appear in that book undoubtedly held office at various times, such omissions do not necessarily infer breaks in the continuity of the history of the Scottish nation from 1336 to 1538. On the present occasion the Scottish element is further represented by several of the witnesses to the deed: Dominus Guillermus de Hamilton of Bathcat, Michael Norvel,

scutifer, and Magister Guillermus de Blackrim, curate of Kirkintolach. To this document, as well as to others printed below, a few biographical notes will be found appended.

All the other entries in the book of the Scottish nation (see below, Nos. VII to XLIX inclusive) are chiefly records of the appointments of procurators, requiring no special explanation. They form the fourth of the component parts of the contents of the book, as above mentioned. Several of these procurators were probably men of eminence, and two of them, viz. Peter Hud in 1451 and James Foullis in 1512, seem to have been specially active and zealous in the discharge of their duties. The Scottish nation probably existed before 1336, when its procurator (Gartentus Bisetus) is named for the first time, and it probably continued to exist, although merged in the 'Norman nation,' after 1538; but it is certain that it flourished almost continuously between these two dates, and that it stamped the impress of its vigorous individuality both on the university of its predilection and on the law of its mother-country.

IV.—Academic and Social Life of the Orleans Students

The different courses of study and the subjects of the graduation examinations are detailed at considerable length in the general statutes of the university, but they will interest few readers at the present day. It may suffice to state that the qualification for a degree in law consisted in a five years' course of study in the Digest, the Institutes, three books of the Code, and the book of *Authenticae*, besides certain portions of the Canon Law; the minimum of attendance required being three days weekly during eight months of each year. Before admission to the lectures the student had to swear 'to repress disturbers of the university,' but not to infringe the rights of private individuals. In order to prevent breaches of the peace the students are forbidden to carry arms, both by one of the bulls of foundation and by subsequent statutes, and

offenders are to be punished by the bishop, as *judex ordinarius*, with imprisonment in the *carcer* of the university. Not only the professors and doctors, but all the graduates were entitled to lecture, and they are strictly forbidden to withdraw students from each other's courses. They are also entitled to lecture during vacation if they see fit. The courses were interrupted by numerous saints' days observed as holidays, but the summer vacation was originally limited to one month.

The faculty of law, by far the more important of the two faculties, seems to have been largely independent of the Church, but the lecturers are forbidden to use books condemned by the provincial church-council as containing erroneous doctrine. The precedence of the faculty is, however, repeatedly recognised, while the university of Paris is more than once mentioned as the chief school of arts and theology. In 1312, as already stated, Philip le Bel extended the established privileges of the masters and students in law to those in arts and theology also. He further ordained that a dean should be elected by the faculty, or that, in case of dispute, the senior master should be appointed to the office, the chief duty of which was to prevent dissensions among the different nations. Another proof of the precedence of the law faculty is to be found in the fact that the governing body of the university originally consisted of nine doctors of civil law.

The masters and students of theology, on the other hand, are straitly enjoined to eschew philosophy and the use of the vulgar tongue, and to devote themselves to theology and their Latin disputations. A laudable provision is also made for the maintenance of poor students in one or other of the religious houses.

Among other points it may be noted that the rector was elected by the 'college,' or teaching staff of professors and doctors, from among their own number, by rotation. In the same body, including the procurators of the nations, the

government of the whole university was also vested. Their jurisdiction embraced citizens as well as students, but only in cases involving the interests of the whole university. Other cases, if between laymen, fell to be decided by the *praefectus* or provost of the city, an official appointed by the king, while cases in which a cleric was concerned were tried by the bishop.

One of the chief privileges of the university was the exemption of all its members from taxation. The statutes also contain a politic provision that two representative citizens elected by the university should enjoy the like immunity, and all other university privileges, on condition that they co-operate with the university authorities in watching over the interests of the students, and particularly in enforcing the laws against usury. The citizens and the students are exhorted to live on good terms, for their mutual benefit. Students presuming to carry weapons may be disarmed, and persons pretending to be students in order to participate in the university privileges may be expelled from the city.

The statutes also contain elaborate provisions as to the law graduation examinations, which chiefly took the form of disputations. These were held, from the latter part of the fifteenth century down to the suppression of the university in 1790, in the *camera licentiandorum*, or *Salle des Thèses*, which also contained the library of the university, and was used for the meetings of the *collegium*, or governing body, consisting of the rector and the teaching staff. This hall is now the only surviving relic of the ancient university buildings.[1] The university statutes further lay down numerous regulations regarding finance, the payment of academic dues, fees for lectures, gratuities to the *bedellus*, and the like; while each nation had its scale of contributions payable into its own separate treasury.

[1] This fine old hall (see Frontispiece), built in the latter half of the fifteenth century, has been carefully and judiciously restored, and is now the seat of the important *Société archéologique et historique de l'Orléanais*.

Of the academic life of the students some interesting glimpses are afforded by the university statutes and other documents. Latin, it need hardly be said, was their common language, although the members of each nation, *inter se*, probably conversed in their own vernacular; and it was this common, public, and official use of Latin, both as a written and a spoken language, that gave all the mediæval universities their cosmopolitan character. But, as every student of history is aware, the Latin used was far from being classical or even grammatical. Not only technical university terms, but words *infimae Latinitatis* and mediæval barbarisms abound. What classical scholar, for example, could divine that *cyroteca* (*chirotheca*, a glove) and *cucufa* (*cuphia*, French *coiffe*, a hat), originally feudal symbols, meant the fees paid by *novitii* to the *bedellus* on their induction?[1] Misspellings, which are no less abundant, such as *juramentum insipientium* (!) *in jure*, may often be set down to the carelessness or ignorance of scribes; but the turgid and bombastic style, and the prolix and wearisome repetitions, must be debited to popes, bishops, and learned civilians alike.[2]

The bulls of foundation and the university statutes also afford a few glimpses of the social life of the students. One

[1] Or translate and explain such words as *piliardus, brigosus, beianium, hocia, forratura, grossi et minuti varii, simbolum, commessatio, exactorizatio, iehena, cleonodium?*

[2] Here, for example, is an extract from a letter-patent of the Bishop of Orleans, dated 1367, threatening to excommunicate all those who extort money from novices, *nomine beianii*:—'Ad nostrum florens et fructiferum Universitatis Aurelianensis inter cetera citromontana studia prius antiquius et sollempnius tam civilis quam canonice facultatis studium, cui tamquam orto deliciarum a tempore Aurelii gloriosissimi imperatoris mirifice plantato et per Virgilium scientifice inchoato, inventor altissimus scientiarum Dominus benedixit, et in quo, dum minor status nos teneret, in dicta civitate residentes, ubi primo scientie vel facultatis utriusque, canonice videlicet et civilis, ut a matre recepimus nutrimentum, et postmodum legendi successive inibi et docendi, nos huiusmodi facultatis utriusque scientia decoravit, solita meditatione nostre considerationis aciem convertentes, perpendentesque quod in ipso fons aque vive pullulavit hactenus et per spiritus sancti gratiam in futurum continue pullulabit, totum orbem justitie puritate et equitatis canonice veritate irrigans et fecundans, concepimus . . .' Nearly two-thirds of the sentence have yet to follow!

of the bulls of Clement V of 1305, entitled *de taxatione domorum et victualibus*, enacts that the charges for board and lodging be fixed by four *taxatores*—two elected by the doctors and students, and two from among the citizens. And if these four cannot agree, a fifth is to be elected by the citizens from among the doctors of the university. The tariff once fixed is not to be exceeded; and until it is fixed the doctors may suspend their lectures by way of protest. The bull further forbids the withdrawal of victuals from the city in times of dearth, lest the university, which contributes to the honour and the advantage of the city, be thereby ('*quod absit!*') dissolved.. These provisions were, however, subsequently modified by various royal decrees.

The papal bulls and several of the university statutes indicate that 'town and gown' brawls were frequent, as they strictly forbid members of the university to carry arms. Among the other evils and abuses they strive to suppress, one of the most serious appears to have been the exaction or even forcible extortion of *beianium*[1] from *novitii*. On pretence of celebrating the *jocundum adventum* of new-comers, the senior students were in the habit of taking them to taverns, 'like sheep led to the slaughter,' and there indulging in a carouse (*simbolum* or *commessatio*[2]) at their victim's expense, with the result that the university ('*proh dolor!*') was disgraced by the '*ebrietates, turpiloquia, pernoctationes, fractiones ostiorum, ut de aliis taceamus*,' which took place both in the taverns and in the town. Victims unable to pay the score on the spot had to find security for the amount, and were sometimes even deprived of their books. This malpractice is repeatedly condemned, particularly by the statute of 1365 and the bishop's letter-patent of 1367, already alluded to.

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[1] Derived, it is said, from *bec jaune*, the nickname for a freshman.

[2] From this *commessatio*, or *comesatio*, 'eating together,' is derived the modern German 'Kommerz,' or students' carouse. *Simbolum* or *symbolum* has a similar meaning.

All the nations were probably more or less addicted to these and other excesses; but it is gratifying to gather from the German statutes *de festis nationum* of 1382 and 1482, mentioned above, that the Scottish nation shared with the German and the Lotharingian an honourable reputation for refusing, 'with a certain simplicity,' and 'actuated by the highest motives,' to join in many of the excesses indulged in by the other nations.

A few notes have been appended to the following texts, but it has been found impossible to trace the personal history of the procurators named in them. Some of these texts may perhaps open up fresh fields of historical research.

The outstanding fact above all others is that, during the two centuries preceding the institution of the Court of Session in 1532, there existed numerous, and in some cases distinguished, Scottish students and masters of that grand old system of Roman Law on which the Law of Scotland is founded, and that most of them acquired their knowledge of it at the University of Orleans, the one great and famous law school of Northern Europe. J. K.

EXTRACTS FROM THE BOOK OF THE SCOTTISH NATION IN THE UNIVERSITY OF ORLEANS.

(1397-1538)

PREFATORY NOTE

THESE extracts are arranged chronologically. The minor entries in the original *liber nationis* seem to have been in most cases made at random, several of early date appearing near the end of the book, and several of late date near the beginning. On the other hand most of the long and important entries, beginning with Sir John Stewart's foundation, and followed by the bulls of foundation, the various royal letters-patent, and the statutes of the German nation, so far as adopted by the Scottish nation, begin on the eleventh folio of the book and extend to the sixty-fourth, occupying the bulk of the volume, while the specifically Scottish statutes are written on the sixty-fifth and sixty-sixth folios. These entries are written almost continuously, but by no means chronologically, while the first ten and the last two or three folios (Nos. 66-68) contain most of the records of the appointment of procurators. Several of these records, however, have been interpolated on the sixty-fourth folio. The first entry on the first folio is the appointment of Peter Hud, in 1451, and the name of Guydo Cassardus, procurator in 1537, appears on the same folio and also on the thirteenth, while David Tours, procurator in 1503, and Gilbert de Northe, treasurer in the same year, appear on the sixty-sixth and sixty-seventh folio respectively.

As the first entry signed by a procurator is that of the appointment of Hud in 1451, and as it occurs at the beginning of the book, it may probably be inferred that the book was procured during his term of office. The names of his predecessors, so far as they have been preserved, are only mentioned incidentally in other university documents. A complete list of the procurators whose names have been recorded, either in the Scottish book or elsewhere, is appended to the following extracts. It only remains to be added here that it seemed needless to print a number of imperfect entries, vitiated by omissions or erasures, or to reproduce interpolations, marginal notes, monograms, and the like, which possess little or no historical value.

The letter F. in the footnotes refers to M. Marcel Fournier's monumental

collection of the French university statutes. The letter H. denotes the transcriber, Dr. G. Herzen.

I (1397).

Anno domini millessimo cccmo nonagesimo septimo, pontificatus sanctissimi in Christo patris ac domini nostri, domini Benedicti divina providentia pape xiii, anno secundo, Magistro Simone de Mundavilla[1] existente procuratore nationis, ad laudem, comodum et honorem ipsius, statuta fuerunt hec que secuntur, dicta natione super hiis solempniter congregata.

Primo quod predicta natio aliquando onera subire habet, precipue in acquisitione virge et libri ipsius nationis, verisimiliterque in posterum sumptus alios necessarios. Ordinavit ulterius, quod de cetero supervenientes studendi[2] vel gradum acquirendi causa, tam novitii quam alii, solvere tenebuntur, ad comodum et utilitatem nationis, summam IIIIor solidorum parisiensium.

Juramentum procuratoris.

Ego iuro quod de novitiis diligentiam quantum potero faciam, eosque ad iuramentum convocabo pro posse, nec tamen recipiam eorum iuramenta nisi michi per cedulam receptoris constiterit ipsos quatuor solidos parisienses ad utilitatem nationis eidem receptori persolvisse; nec alicui gradum recipienti cedulam sui gradus sigillo nationis vel signeto signabo, donec michi constiterit per cedulam receptoris ipsum quatuor solidos parisienses ad utilitatem nationis persolvisse. Item iuro quod de collecta per singula supposita nationis bedello eiusdem nationis debita prosequar solvere, recusantes ad solutionem urgebo, tanquam pro collecta nationi debita.

Secundo statuit natio, quod quilibet novitius in suo primo adventu solvat bedello nationis pro primo anno IIIIor solidos parisienses,[3] et pro quolibet anno sequenti eidem bedello solvat tres solidos parisienses[3] in festo sancti Andree apostoli.

II (1407).

Statutum pro receptoria.

Anno Domini millesimo ccccmo septimo, pontificatus eius-

[1] *Mandavilla* (F.). [2] *Videndi* (F.). [3] *Parisiensium* (F.).

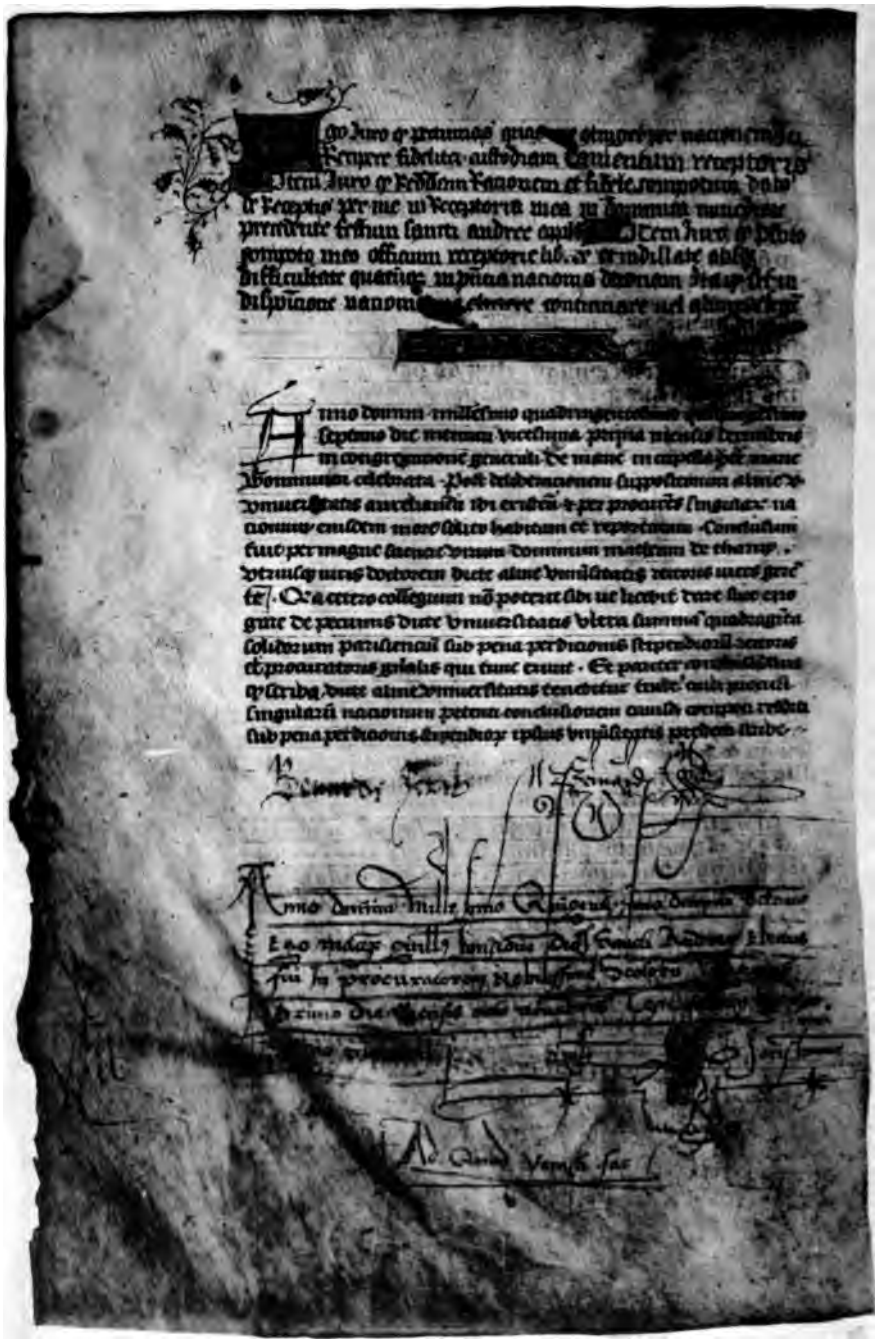
dem Domini nostri Benedicti pape xiii. anno xiii, existente procuratore magistro Roberto de Merton, statuit natio solempniter congregata, disposuit et per modum reformationis ordinavit, volens preterita dampna ut possibile fuit reformare et diligenter futuris periculis precavere, quod receptor nationis de cetero astringatur per suum iuramentum fidele compotum de receptis per ipsum in sua receptoria reddere, dominica immediate precedente festum sancti Andree apostoli, in presentia nationis super hoc congregate; et quod ibidem suum officium deponat libere absque difficultate quacumque, ita quod sit in dispositione nationis ipsum receptorem continuare vel alium novum eligere.

Item, ut pecunie nationis cum maiore diligentia custodiantur temporibus futuris, statuit et ordinavit quod pecunie que nunc sunt collecte ad commodum et utilitatem ipsius nationis ponantur in custodia Petri de Sancto Maximino, burgensis Aurelianensis, et quod prefatus Petrus habeat scribere in libro suo rationum earum summam et diem receptionis.

Item ordinavit quod receptor nationis singulis annis futuris temporibus, prestito suo compoto, ut[1] premittitur, pecunias per ipsum receptas, absque dilatione quacumque, in presentia procuratoris et bedelli nationis, deliberabit[2] eidem Petro, quarum summam et diem receptionis in prefato libro suo conscribere teneatur. Item ordinavit quod procurator habebit unum librum de cetero, in quo ipse consimiliter scribere teneatur summam pecuniarum collectarum eidem Petro deliberatarum, et summas colligendarum, eo modo quo prefatus Petrus in libro suo summas receptas scribet.

Item statuit et inviolabiliter observari voluit, quod prefatus Petrus pecunias per ipsum receptas et recipiendas nomine nationis nemini deliberet, nisi procuratori in presentia nationis super hoc congregate. Et si contingat, quod Deus avertat, futuris temporibus, quod propter discrimina guerrarum vel alios casus quoscumque, cum sortes humane multe sunt, quod non sit nisi unus[3] vel duo in natione, et petierit vel petierint huiusmodi pecunias nomine nationis eis reddi et exhiberi, nisi sint adeo graves et honesti viri quod de eis mala presumptio

[1] *Non* (F.). [2] *Deliberavit* (F.). [3] *Unum* (F.).



TREASURER'S OATH, p. 73, AND XXXV, p. 85

haberi non possit, quod nullo modo dictas pecunias ipsis petentibus deliberet, nisi in presentia collegii doctorum, procuratorum, et bedelli nationis.

Statuta fuerunt hec anno quo supra, die xxvii mensis maii.

III (1408).

Anno Domini millesimo cccc^mo^ octavo, sexto die mensis junii, existente procuratore magistro Willelmo de Glendonuyn,[1] statuit natio solemniter super hoc congregata et ordinavit propter varias et rationabiles causas commodum nationis concernentes, et presertim propter celeriorem acquisitionem virge, quod nullus, sive ante iuratus sive de novo veniens, admittatur ad aliquem gradum adipiscendum vel ad iuramentum prestandum priusquam solverit receptori nationis octodecim solidos parisienses.

IV (1409).

Anno Domini millesimo cccc^mo^ nono, die xx. mensis junii, existente procuratore magistro Willelmo de Glendonyn, statuit natio solemniter congregata propter diversas causas commodum et utilitatem dicte nationis concernentes, quod nullus de alieno studio accedens ad hanc Universitatem, propter aliquem gradum adipiscendum, admittatur ad iuramentum, nisi prius ad commodum nationis solverit receptori eiusdem viii. solidos parisienses; in personis in hoc studio audientium vel legentium, priore statuto de quota xiiii[2] solidorum suam vim retinente.

Juramentum receptoris.[3]

Ego iuro, quod pecunias quas me continget per nationem recipere fideliter custodiam. Item iuro, quod reddam rationem et fidelem compotum dabo de receptis per me in receptoria mea, Dominica immediate precedente festum sancti Andree apostoli. Item iuro, quod, prestito compoto meo, officium receptorie libere et indilate, absque difficultate quacumque, in presentia nationis deponam, ita quod sit in dispositione nationis me continuare vel novum eligere.

[1] Or Glendonyn, probably the more modern Glendoning or Glendinning.

[2] This numeral, in the original, seems to have been inserted by a different hand (H.). The figure should doubtless have been xviii. F. has viii.

[3] Not given by F.

V (1411).

Anno Domini m^mo^ cccc^mo^ undecimo, vicesimo die mensis martii, existente procuratore Jacobo de Parkle, statuit natio solenniter congregata et per modum reformationis ordinavit: Quoniam urgente rerum oportunitate interdum evenit quod illud quod fuerat ordinatum salubriterque statutum, indigentia hominum et qualitate temporis instabilis consideratis et attentis, oportet, secundum quod temporis importunitas et inconstantia cogit, ne inde deterius contingat, immutare; hinc est quod temporibus retroactis natio constituerat, propter varias et rationabiles causas, eiusdem nationis honorem et commodum concernentes, et presertim propter celeriorem acquisitionem virge, quod nullus, sive de novo veniens, sive ante iuratus, admitteretur ad iuramentum prestandum vel ad aliquem gradum adipiscendum, priusquam receptori nationis decem solidos parisienses solveret indilate. Item, quod nullus de alieno studio accedens ad hanc Universitatem propter aliquem gradum adipiscendum, admitteretur ad iuramentum, priusquam solveret receptori eiusdem sexdecim solidos parisienses. Preterea vero, cum ad predictam nationem, singulorum commodis [1] prospicere et personarum eiusdem utilitatibus, et dispendiis profugandis, impendere opem [2] et operam efficaces, de iure dinoscitur pertinere; hinc est igitur quod ante factionem virge natio, ut premittitur, solenniter congregata, predictam constitutionem prioribus statutis in hoc libro conscriptis conformem quodammodo reformavit, hoc modo scilicet quod de cetero, sive ante iurati, sive de novo venientes causa studendi vel gradum acquirendi, xviii solidos parisienses solvere solummodo teneantur. Item quod omnes de alieno studio ad hanc Universitatem accedentes propter aliquem gradum adipiscendum xviii solidos parisienses solvere teneantur.

Acta fuerunt hec anno et die supradictis.

VI (1421).

Foundation by Sir John Stewart of Darnley, Constable of the Scottish Army.

Universis presentes litteras inspecturis, Decanus et capitulum ecclesie Aurelianensis Salutem in eo cui servire regnare

[1] *Commodum* (F.). [2] *Opus* (F.).

est. Divine credimus majestati complacere opusque laudabile ac salubre operari, dum nostrum studium ad ea coaptamus, per que fidelium acrescit devotio salusque provenit animabus et cultus divinus suscipit incrementum. Notum igitur facimus quod in capitulo nostro de mane, hora consueta, ad sonum campane, ut est moris, congregatis scilicet dominis et magistris Simone Guereti subdecano, Armisio Gomberti cantore, Johanne Parineti archidiacono Balgen^{ci}, Johanne de Matiscone succentore, Johanne Day, Johanne le Bossu, Thoma Coyffurel, Guillelmo de sancto Maximõ, Johanne Cherelli, Petro Liezardi, Guillelmo de Kalchez,[1] Johanne de Ulmo, Guillelmo de Vezins,[1] et Petro de Leuda, dicte ecclesie nostre canonicis prebendatis, nostrumque ac ipsius nostre ecclesie capitulum tenentibus et celebrantibus, nobilis ac potens dominus, dominus Johannes Steuuart dominus de Dernele, conestabularius armate Scottorum, sue anime, ac animarum sponse sue domine Elizabet, parentumque ac benefactorum suorum volens providere saluti, per organum venerabilis et circumspecti viri magistri Johannis de Kirmichel[2] concanonici nostri, nobis exponi fecit iamdiu proposuisse in animo fundare unam missam perpetuis temporibus ad altare et capellam maiorem beate Marie eiusdem ecclesie de eadem, quolibet die de manę, post complementum matutinarum prefate nostre ecclesie, cum nota, per unum concanicorum nostrorum et pueros chori dicte ecclesie nostre celebrandam, et pro ea dotanda, et oneribus eiusdem quibuscunque sustinendis, ad emendum redditus nobis traderet pro nunc mille quinquaginta scuta auri in auro : Ita tamen quod si missa huiusmodi, propter raritatem canonicorum presbiterorum dicte nostre ecclesie, per canonicum celebrari comode non possit, per unum presbiterum sufficientem et ydoneum in dicta ecclesia nostra beneficiatum celebraretur, et quod missa huiusmodi per triginta ictus distinctos de altera quatuor campanarum grossarum, per duo intervalla, videlicet post decimum ictum unum, et post vicesimum unum aliud intervallum, prefate ecclesie nostre pulsetur; Si in premissis nostrum prebere vellemus assensum, et de hiis nos et ecclesiam nostram vellemus onerare, et super hoc litteras nostras obligatorias sibi

[1] For Kalchez and Vezins, F. reads Kalcher and Vernis.

[2] H. writes 'Kirunchel,' obviously a clerical error. The name is Kirkmichel or Carmichael.

heredibusque suis et assignatis, necnon rectori, Universitatique venerabilis studii Aurelianensis, ac venerabili nationi Scotie in dicta universitate concedere. Nos igitur eius devotionem ac sanctum et salubre propositum sinceris affectibus amplexantes ac laudentes, cupientesque ipsum in suis[1] devoto desiderio confovere, ac Dei servitium in dicta nostra ecclesia peraugeri, voluntati ipsius domini fundatoris prout et obtulit duximus acquiescendum. Hinc est quod nos, recepta realiter a predicto magistro Johanne de Kirmichel[2] summa mille quinquaginta scutorum auri in auro boni et legitimi ponderis, vice et nomine dicti domini fundatoris solvente, una cum amortizatione centum librarum Parisiensium annui redditus ecclesie nostre predicte acquisiti vel acquirendi per dominum regentem regnum Dalphinum[3] contemplatione eiusdem domini fundatoris facta et concessa, super quo litteras patentes ipsius domini Regentis Dalphini suo magno sigillo sigillatas et signatas in bona et competenti forma nobis tradidit cum summa auri supradicta. Promittimus bona fide, quod ex nunc perpetuo in antea, quolibet die ad altare et capellam huiusmodi, hora et pulsatione quibus supra, et alias modo et forma superius declaratis et contentis, missam predictam devote celebrari faciemus, sub nostrorum et dicte ecclesie nostre omnium et singulorum ypotheca et obligatione bonorum; nos etiam decanum et capitulum memoratos dicto domino Johanni Steuuart fundatori, suisque heredibus et assignatis causamque ab ipso habentibus et habituris, ac omnibus aliis quorum interierit in futurum, rectorique ac Universitati venerabilis studii Aurelianensis, venerabilique nationi Scotie in dicto studio predictis, ad dictam missam quolibet die hora et pulsatione et alias modo et forma superius specificatis celebrandam, ac omnia et singula bona nostra mobilia et immobilia propter hoc obligantes.[4] Et insuper ex uberiori liberalitate procedere volentes cum dicto domino Johanne fundatore, qui suam sepulturam elegit in dicta nostra ecclesia et in ipsa capella, si contingat eum decedere citra mare, unam missam quolibet anno de Spiritu

[1] Mediæval for *ejus*.
[2] H. again transcribes 'Kirunchel.'
[3] The Dauphin Charles, afterwards Charles VII.
[4] *Obligañ.* in original; H. reads *obligantes*, F. has *obliganda*.

Sancto quamdiu vixerit, et post eius obitum in anniversarium, sicut fieri consuevit pro regibus solemniter celebrandam concessimus et fieri contrassimus et promittimus bona fide. In cuius rei testimonium presentes nostras litteras per notarium nostrum publicum infrascriptum volumus in publicam formam redigi, signoque publico et subscriptione eiusdem notarii signari et subscribi, nostrique capituli sigillo [1] munimine roborari in robur et testimonium premissorum. Datum et actum sub anno Domini millesimo quadringentesimo vicesimo primo, inditione decimaquarta, mensis augusti die vicesima, pontificatus sanctissimi in Christo patris et domini, domini Martini divina providentia pape quinti anno quarto; Presentibus nobilibus ac circumspectis viris domino Guillermo de Hamilton, milite, domino de Bathcat; Michael Norvel, scutifero; magistro Guillermo de Blackrim, curato de Kirkintolach; dominis Petro Theuron, bursario magne burse dicte nostre ecclesie, et Gilberto Baudri, presbiteris; curato parrochialis ecclesie sancti Privati prope Aurelianum; cum pluribus aliis testibus ad premissa vocatis specialiter et rogatis. Sic signat. J. Martini. Lecte et passate fuerunt in capitulo. J. Martini. Et ego Johannes Martini, clericus Aurelianensis, publicus apostolica et imperiali auctoritate dictorum dominorum decani et capituli ac Universitatis predicte notarius, quia premissis omnibus et singulis, dum sicut supra scribuntur agerentur et fierent, unacum prenominatis testibus vocatus presens fui, eaque de mandato dictorum dominorum decani et capituli in hanc publicam formam redegi, hicque me subscribendo signum meum publicum apposui, una cum sigillo ipsorum dominorum decani et capituli hic appenso,[2] in testimonium premissorum. Memorato domino Simone Guereti, utriusque iuris sollennissimo professore, ad presens dicte Universitatis rectore, pro dicta Universitate, procuratoreque dicte venerabilis nationis Scotie, pro ipsa natione, presentibus stipulantibus et supra scripta acceptantibus; rasuras [3] superius factas in nona linea, ubi dicitur ecclesie de eadem, ex certa scientia approbantibus.

J. MARTINI.

Pro copia et collatione facta cum litteris originalibus per

[1] This should doubtless be *sigilli*, the term *munimem sigilli* meaning the impression of a seal. [2] *Appendi* (F.). [3] *Res* (F.).

me Petrum Bernardie anno Domini M°CCCC^mo quadragesimo quarto die xv^ta mensis Julii.

VII (1451).

Ego Petrus Huds Bitterten.[1] diocesis fui ellectus in procuratorem venerabilis et fructiffere nationis Scotie, nemine contradicente, anno domini millesimo cccc quinquagesimo primo, in vigillia Scti Andree. Teste signo meo manuali hic aposito die quo supra. Hud.[2]

Mains en parlent.

Nichil preciosius honore.

VIII (1451).

Anno Domini millesimo cccc^mo quinquagesimo primo, die penultima mensis novembris, in vigilia Sancti Andree apostoli, statuit venerabilis natio Scotie solempniter congregata reformando precedentia statuta propter quasdam rasuras[3] in ipsis factas, ac etiam propter diversas et rationabiles causas, quod amodo nulli novitii supervenientes admittantur ad iuramentum, nisi prius solverint predicte nationi unum scutum auri. Item ordinavit predicta natio quod nullam vocem habeant in congregationibus predicte nationis, quousque fuerit satisfactum ipsi nationi.

IX (1501).

Ego David Wauchoipe Scotus Sancti Andree dioc. fui creatus in procuratorem venerabilis nationis Scotie nemine contradicente, Anno Domini millesimo quingentesimo primo, in cuius rei memoriam presentem meum cyrographum signo et verbo meis signavi, anno Domini quo supra, die vero primo mensis maii.

X (1502).

Renatus Togburne,[4] et Johannes Togburn[4] iurati et recepti fuerunt in natione Scotie xxi die mensis septembris anno dni millesimo quingentesimo ii.

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[1] Perhaps for *Biturensis, i.e.* Bourges; or for *Brechinensis.*

[2] The early statutes of the German Nation, abbreviated and slightly modified, were probably inserted in the book of the Scottish Nation by Hud's authority. There is no evidence that the book existed before 1451.

[3] *Ocasuras* (F.). [4] *Sic*, for Cocqueborne or Cokburn. See No. xvi.

XI (1502).

Magister Georgius Logañ, rector de Lestarig,[1] et Jacobus Logarne suus servitor, scolares studii Aurelianensis recepti fuerunt ad iuramenta nationis per me M. David Wauchope, procuratorem nationis Scotie in dicta Universitate Aurelianensi, xiii die mensis octobris, anno vero Domini millesimo quingentesimo secundo; et eodem die, hora vero vespere[2] receptus fuit M. David Borthuk[3] in dicte nationis suppositum, teste mea scriptura manuali et signo hic apposito.

David Waucoipe ante dicte nationis procurator qui supra; confidens in Dño vitam ama, mortem fuga: D. Wauchoipe Scotus procurator qui supra.

XII (1502).

Xiiii die octobris M. Jacobus Symson Scotus receptus fuit ad iuramentum nationis sue per me M. David Wauchoip, pro tunc dicte sue nationis procuratorem, teste hac mea scriptura unacum mea subscriptione et signo manuali, die quo supra, anno vero domini millesimo quingentesimo secundo.

David Wauchoip
procurator qui supra.

XIII (1502).

Ego David Borthik[4] Scotus sancti Andree dioc. fui electus in procuratorem venerabilis et fructifere nationis Scotie, nemine contradicente nisi procuratore qui fuit pro tempore, non obstante obtinui causam meam in colegio coram doctoribus et coram procuratoribus, anno Dñi millesimo quingentesimo secundo in vigillia Scti Guillermi, teste signo meo manuali hic posito die quo supra. David Borthik.

Null bean san peine. Nichil virtute prestantius, nec veritatis ratione fortius. Confidens in Dño vitam ama, mortem fuga, in bono persevera. Deo gratias. Amen.

XIV (1503).

Ego David Tours, Sancti Andree diocesis, fui electus

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[1] For Restalrig. [2] This word conjectural (H.). [3] For Borthik.
[4] Borthik seems to have been opposed by Wauchope, who probably sought re-election.

in procuratorem venerande nationis Scotie, nemine suppositorum dicte nationis contradicente, anno Domini millesimo quingentesimo tertio,[1] die vero ultima mensis martii.

Eodem anno, vicesima die mensis junii, fuerunt recepti honorandus scolaris magister Gilbertus Cryt[2] et Johannes Coutler, et sub me iurati conditionaliter, scilicet si satisfecissent dicte nationis receptori. In cuius rei testimonium signum meum manuale presentibus appono. D. Tours.

XV (1503).

Ego magister Gilbertus de Norte, receptor modernus, anno Dñi millesimo quingentesimo 3°, die vero mensis novembris xx^a^, electus per dominos nationis Scotie, fateor me recepisse a venerabili dño magistro David Vauchoip,[3] receptore predicte nationis immediate precedente, summam xxvi solidorum turonensium, ex receptis predicte nationis tempore sue administrationis predicti officii receptorie, de qua summa ipsum nomine nationis acquitto et acquittantiam do. In cuius rei testimonium hoc cyrographum propria manu scripsi, coram his testibus subscriptis, venerabili viro, in artibus magistro, magistro Jacobo Symson, magistro Johanne Creburne,[4] cum aliis diversis et singulis, etc.

Gilbertus Northe.

XVI (1504).

Ego Renatus Cocqueborne fui creatus procurator venerabilis nationis Scotie, nemine contradicente, hoc primo die mensis octobris anno Dñi M° quingentesimo quarto: Teste signo meo manuali hic aposito, anno et die predicto.

R. Cocqueborne.

Jacobus dei grā rex Scotorū.

XVII (1507).

Anno Domini millesimo quingentesimo septimo, die xxiii mensis novembris, recepti fuerunt novitii magister Robertus Blakadir, rector ecclesie metropolitane Glascēn, et magister Jacobus Heriot, vicarius ecclesie sancti Michaelis Drunfris, eiusdem diocesis, sub me Stephano Tournebulle, inclite nationis

[1] Conjectural. The figure in the text is like a :° (H.).
[2] Probably for Norte or Northe (see next entry).
[3] For Wauchope.
[4] For Cokburn.

Scotie procuratore; quorum uterque, iuramento prestito, etiam iura nationi persolvit. In cuius rei testimonium signum meum manuale presentibus duxi apponendum, anno et die ut supra. TOURNEBUILLE.

XVIII (1507).

Anno Domini millesimo quingentesimo septimo, in vigilia Natalis Domini, fuit electus in procuratorem nationis Scotie magister Jacobus Heriot, Glasguensis diocesis, nemine matriculatorum sibi[1] contradicente, anno, mense et die suprascriptis, teste meo signo manuali. J. HERIOT.

XIX (1508).

Ego Jacobus Ogelvius,[2] Aberdonensis diocesis, fui electus in procuratorem venerande nationis Scotorum, anno Dñi millesimo quingentesimo octavo, sexto die aprilis. In cuius rei testimonium signum meum manuale presenti scripture duxi apponendum. JA. OGELIUS.

XX (1508).

Jhesus Maria.

Ego Alexander Bercular, Moraviensis dioc., fui electus in procuratorem venerande nationis Scotorum anno dñi millesimo quingentesimo octavo; sexto die octobris recepti fuerunt novitii, videlicet Henricus Spittal, M. Gilkyar, quorum uterque iuramento prestito etiam iura nationi persolvit. In cuius rei testimonium signum meum manuale presentibus duxi apponendum anno et die quibus supra.

ALEXANDER BERCULAR.

XXI (1508).

Ego Henricus Spittall Sancti Andree dioc. fui electus in procuratorem venerande nationis Scotorum anno dñi millesimo quingentesimo octavo, vicesimo sexto die mensis januarii. In cuius rei testimonium signum meum manuale presentibus duxi apponendum anno et die quo supra.

HENRICUS SPITTALL.

[1] *Sic.*

[2] Probably for Ogilvie. H. transcribes it 'Ogelums.'

XXII (1510).

Ego Jacobus Lansour[1] Sancti Andree[2] dioc. tertia die mensis octobris electus fui in procuratorem nationis Scotorum venerabilis, anno nostre salutis millesimo quingentesimo x°.

JACOBUS LANSOUR.[1]

XXIII (1510-1512).

Ego Arthurus Boetius, Brechinensis diocesis, fui electus in procuratorem alme nationis Scotie, in famatissima Universitate Aurelianensi, octavo die Januarii anno Domini millesimo quingentesimo decimo. Item alias quoque nono die mensis Octobris, anno Domini millesimo quingentesimo duodecimo. In cuius rei fidem signum meum manuale huic scripture appositum duxi. BOETIUS.

XXIV (1511).

Ego magister Johannes Lethane, Glasguen. dioc., anno dñi millesimo quingentesimo undecimo electus fui, nemine contradicente, in procuratorem venerande nationis Scotorum, et hoc tertio die mensis Aprilis, teste mea subscriptione solita. JOHANNES LETHANE.

XXV (1512).

Ego Johannes Hamylton Sancti Andree dioc. fui electus in procuratorem venerabilis nationis Scotie, nemine contradicente, anno Domini millesimo quingentesimo duodecimo, die vero xv mensis aprilis, teste meo signo manuali hic affixo, anno et die ubi supra. JOHANNES HAMYLTON.

Non omnia possumus omnes—ut ne quid nimis.

XXVI (1512).

Anno dñi millesimo quingentesimo xii° idibus iuliis ego magister Jacobus Foullis Edinburgen., metropolitane dioc. Sancti Andree tutillaris[3] Scoticane nationis patroni, electus fui procurator Aurelie, omnium suffragante consensu.

FOULLIS.

Adiutorium meum a dño.

[1] *Sic*, probably for Lausoun or Lawson. [2] This word conjectural (H.). [3] *Sic*.

XXVII (1512).

Carmen elegum.[1]

Scotorum terna nomen cum laude triumpha;
sit gens pro titulis nobilitata suis.
Marte ferox iraque brevi sanctissima curat
federa, nil fingens omnia aperta colit.
Huic pactam violare fidem nil turpius unquam
creditur, ambiguo semper ab hoste cavet.
Viribus indulget, multoque infracta labore
dura subit, verbis parca, sed alta cupit.
Subdola si simulet fraudes inimicis, amicum
pluris habet rebus, patria chara magis.
Si quando fines opus est defendere bello,
haud nummis, nutu principis arma rapit;
Stant acres vultu aspectus, faciesque severe,
ingentes animi, fortia membra virum̄.
Precipuus celi cultus, magnique Tonantis,
debita huic pietas, non simulata, placet.
Duratura diu crescat sub sidere fausto
Scotia, cristicolis terra beata viris,
Augeat ut nostri longevos principis annos
Juppiter, huic, patri stemmata longa trahat.
Candida protelerint[2] fatales pensa sorores,
immemor officii sit soror aspra sui.
O sua semper ames Jacobum Scotia quartum,
Quo duce te celo fama secunda feret.

τελος.

Vivat Edinburgi felix generosa iuventus,
gaudeat, et veris floreat aucta bonis.

Finis.

FOULLIS.[3]

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[1] Mediæval for *elegiacum*.

[2] *Sic*, probably for *protēlent*, which would scan and make sense.

[3] Here follows an extract, inserted by James Foullis, from the Gospel of St. John in Latin. The same zealous procurator also inserted a complete Calendar of the festivals observed by the University. See a similar Calendar, F., i. 17-19.

XXVIII (1512).

Anno dñi millesimo quingentesimo xii: Ego David Straughin, Sancti Andree dioc., electus fui in procuratorem venerande Nationis Scotie, die xi. mensis januarii.

DA. STRAUGHIN.

XXIX (1513).

Ego Franciscus Cothuel,[1] diocesis Sancti Andree, fui electus in procuratorem inclite nationis Scotie in alma Universitate Aurelianensi, tertio die Augusti, anno domini millesimo quingentesimo decimo tertio.

XXX (1513).

Xxi die januarii, anno dñi millesimo quingentesimo xiii°: Ego magister Franciscus Bothuel resignavi offitium procuratoris nationis Scotie, et eodem die magister Johannes Williamsone electus est procurator, teste manu propria.

XXXI (1513).

Ego Galterus Beton Sancti Andree dioces. fui electus in procuratorem venerande nationis Scotorum anno domini millesimo quingentesimo tertio decimo (?) die vero septimo mensis januarii, teste signo meo manuali hic apposito anno et die prout supra. GALTERUS BETON.

XXXII (1514).

Ego Andreas de Cezise, Aureliane diocesis ortus, oriundus vero ex nobilissima Scotorum prosapia, fui in procuratorem eiusdem nationis, omnium consensu, et per Rectorem eiusdem alme Universitatis in possessionem missus, anno domini millesimo quingentesimo decimo quarto, die vero tertia mensis maij. In cuius rei fidem signum meum manuale huic scripture appositum duxi. AN. CEZISE.

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[1] For Bothwel.

XXXIII (1515).

Anno dñi millesimo quingent° decimoquinto die prima februarii fui creatus procurator ven^lis nationis Scotie, nemine contradicente, in pleno collegio, ut hec sub meo signo manuali certifico fore vera. Actum anno quo supra. VERAT.

XXXIV (1517).

Ego magister Thomas Mgerbaulx,[1] Glasguensis diocesis, nullo Scoto existente sub processu diu subito[2] cum Andrea de Cezise asserente se procuratorem, fui electus atque confirmatus per rectorem et dominos doctores regentes in procuratorem, eo contradicente, anno dñi millesimo quingentesimo xvii, die decima mensis augusti.

XXXV (1518).

Anno domini millesimo quingentesimo decimo octavo, Ego magister Guillelmus Jonstonne dioc. Sancti Andree electus fui in procuratorem nobilissime Scotorum nationis, primo die mensis novembris: Teste quidem hoc meo signo manuali. GUILG. JONSTONNE.

Ad quod venisti fac.

XXXVI (1519).

Anno Dñi 1519 die vero mensis Octobris decimo sexto, me magistro Guillelmo Johnstonne existente procuratore, inclite nationis Scotie receptus fuit novicius quidam vir nobilis M. David Beton Glasgevensis cancellarius meritissimus, qui iuramento suo prestito ac per me recepto jura sue nationis persolvit, in cuius rei testimonium hoc meum manuale signum duxi apponendum. G. JOHNSTONNE.

XXXVII (1519).

Electio procuratoris anno Dñi sesquimillesimo xix°, 7° idus Januarias.

Septimo idus Januarias convenit veneranda Scotorum natio apud Christipare Virginis salutifere Annunciationis Edes,

[1] Or 'M. Gerbaulx,' or 'M'Gourlay'?

[2] *Sic.*

duobus super articulis provisura, novi electionem procuratoris altero proponente, alter autem[1] supplicationibus iniuriisque locum fecit. Imprimis igitur nemine reclamante in procuratorem electus fuit magister Petrus Houstañ diocesis Dunkeldensis, qui, iuxta quod in talibus fieri solet, prestito iuramento, dominisque electoribus habitis gratiis, per libri traditionem realem obtinuit possessionem. Deinde supplicuit[2] discretus vir magister Guillelmus Johnstonn, tunc primo procuratoris functus officio, quatenus per eum intuitu nationis acta rata haberentur. Cui supplicationi natio annuit, pro assumptis laboribus gratiis haud pretermissis. Et ita conclusum per me tunc electum procuratorem. HOUSTAÑ.

Anno quo supra receptus est ad iuramenta solita perdoctus vir magister Andreas Alem,[3] dioc. Dunkeldensis per me procuratorem Petrum Houstañ.

XXXVIII (1520).

Ego Jacobus Hepbrun diocesis Sancti Andree fui electus in procuratorem alme nationis Scotie, anno Domini millesimo quingentesimo XX°, die vero diss°[4] septimo aprilis.

XXXIX (1520).

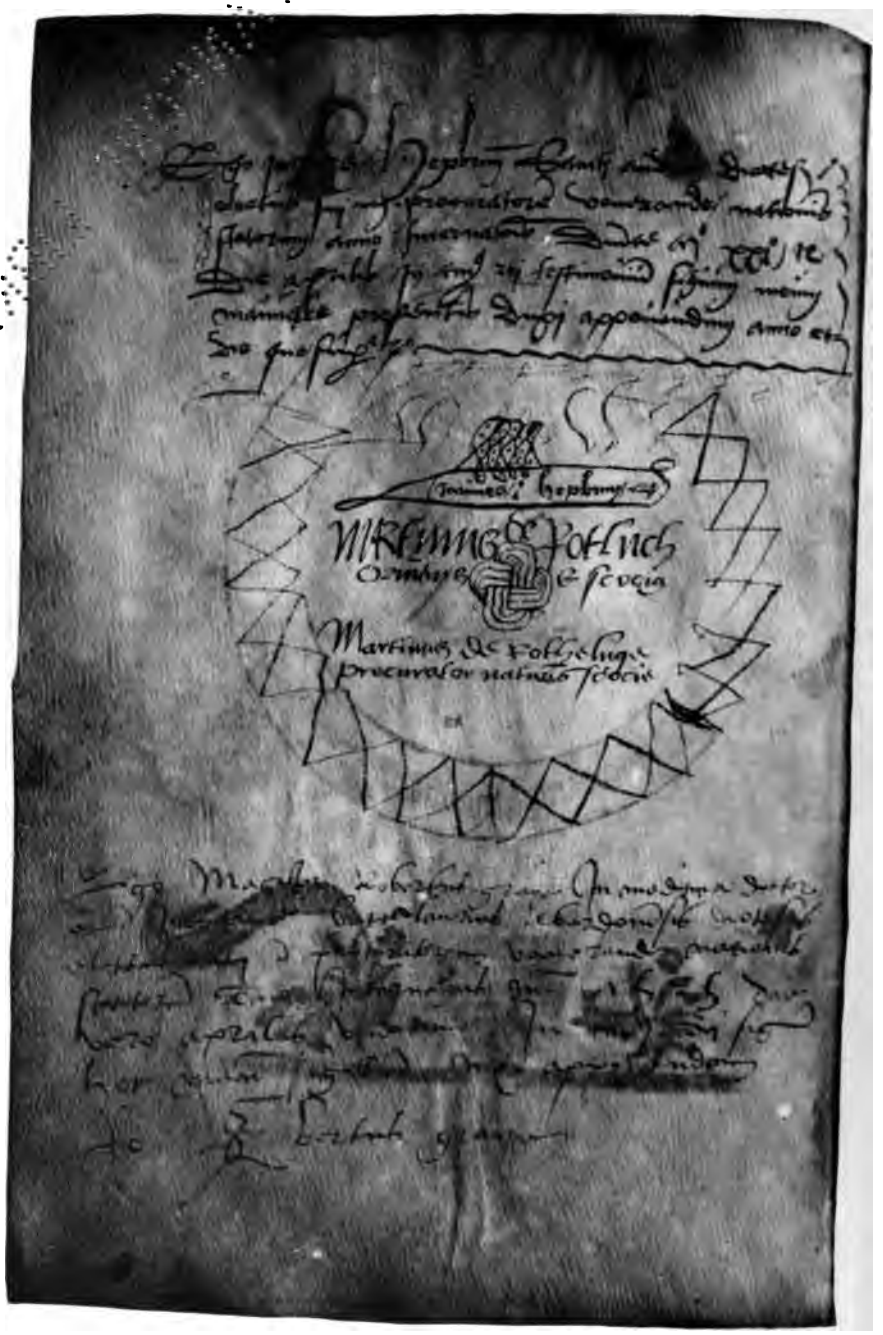
Tertio Kalendas Julias, anno Incarnationis Dominice M° quingentesimo XX°, electus fuit in procuratorem venerande nationis Scotie magister Andreas Aytonne, Dunkelden. dioc., qui onus in se suscipiens solitis non omissis solemnitatibus ingressus est possessione, etc. A. AYTONNE.

XL (1520).

Quinta die mensis octobris, anno Incarnationis Dominice M. quingentesimo XX°, electus fuit in procuratorem venerande nationis Scotie magister Georgius Beytonn, Sancti Andree diocesis, qui onus in se suscipiens solitis non omissis solennitatibus ingressus est possessionem. Teste signo suo manuali hic apposito. BETONN.

[1] *Sic.* [2] *Sic.*

[3] *Sic*, doubtless intended for Atem or Aytonne, who was elected procurator in the following year. [4] *Sic.*



XLI AND XLIV, p. 87

XLI (1520 or 1521).

Ego Joannes Hepbrun, Sancti Andree diocesis, electus fui in procuratorem venerande nationis Scotorum anno Incarnationis Dominice M° XX°,[1] die Aprilis . . . In cuius rei testimonium signum meum manuale presentib. duxi apponendum anno et die quo supra. JOANNES HEPBRUN.

XLII (1521).

Anno Domini millesimo ccccc^mo vigesimo 1°, die xxviii mensis junii, in congregatione generali dominorum, Rectoris, doctorum et procuratorum Universitatis Aurelianensis, more solito celebrata, ubi conclusum fuit quod amodo nullus gaudebit privilegiis dicte Universitatis nisi prius iuraverit sue nationi et solvit scutum auri . . . J. HEPBURN.

XLIII (1521).

Ego magister Georgius Hepbrun diocesis Sancti Andree fui electus in procuratorem alme nationis Scotie, anno domini millesimo quingentesimo xxi, die vero octavo mensis januarii.

XLIV (1525).

Ego Magister Robertus Graye in medicina doctor et in jure canonico bacalaurius Aberdonensis diocesis electus eram in procuratorem venerande nationis Scottorum anno Incarnationis Dñi 1525, die vero aprilis undecimo. In cuius rei signum hoc meum sigillum duxi apponendum.

ROBERTUS GRAYE.

XLV (1530).

Ego magister Thomas Crov, Glasguen. dyocesis et eiusdem metropolitane ecclesie canonicus, fui electus in procuratorem venerabilis nationis Scotie anno Dñi 1530, die secundo mensis Decembris.

[1] *Sic.* Evidently a mistake for 1521.

XLVI (1537).

Anno dñi millesimo quingentesimo trigesimo septimo, die decima quinta octobris, fui creatus procurator venerande nationis Scotie, idque nemine contradicente, in pleno collegio, et hec sub meo signo manuali certifico fore vera.

A. Verac.[1]

XLVII (1537).

Reprobata fuit electio pretensa per dictum Verat a domino Minier Rectore et a toto colegio, dictumque fuit per colegium, quod cum iam per trimestre, procuratoris officium dictus Verat exercuerat, quod de novo procederetur ad electionem novi procuratoris. Proclamate[2] igitur facto, a quo apelavit, Ego Martinus de Rotheluche, ex Scotia oriundus et in iure civili bacalareus, fui electus in procuratorem, die decima decembris, anno dñi millesimo quingentesimo trigesimo septimo, et non obstantibus opositionibus dicti Verat mihi adiudicata fuit Recredentia dicti officii; teste meo signo hic afixo. M. Rotheluche.

Severitas sciendi auctoritatem prebet: Venustas despectum.

XLVIII (1537).

Anno dñi. milesimo quingentesimo trigesimo septimo, die tertia mensis Januarii, ego Guydo Cassardus, Eduen.[3] diocesis, fui electus in procuratorem venerande nationis Scotie. In cuius rei testimonium signum meum manuale duxi apponendum. G. Cassard.

Sur tout paix.

Nota quod tempore mee procurationis electus et creatus fuit doctor regens dominus Nopenus.

XLIX (1538).

Anno Dñi millesimo quingentesimo xxx° octavo, die xxvii[a] mensis Junii, Ego Martinus de Rotheluge, in jure bachalareus, fui denuo electus in procuratorem Scotie, nemine reclamante aut contradicente, teste nothario F. Massuo, pariter meo signo hic aposito. Rotheluge.[4]

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[1] Or Verat.

[2] *Sic*, doubtless for *proclamato*.

[3] *Sic*; but cannot be identified with any known diocese. There was no diocese of Edinburgh, as the word seems to suggest.

[4] See also No. XLVII.

TRANSLATION OF EXTRACTS FROM THE BOOK OF THE SCOTTISH NATION

I. STATUTE.—In the year A.D. 1397, in the second year of the pontificate of the holy father in Christ, our lord Benedict XIII., pope by divine providence, Magister Simon de Mandeville being procurator of the nation, the following statutes were passed by the said nation, solemnly assembled for the purpose, with a view to its advantage, convenience, and honour.

First, as the said nation sometimes has burdens to bear, especially that of procuring a mace and a book for the nation, and probably other necessary expenses hereafter, it has ordained that in future persons coming either to study or to graduate, both novices and others, shall be bound to pay 4 Parisian *solidi* for the use and benefit of the nation.

PROCURATOR'S OATH.—I swear to use all possible diligence with regard to novices, to summon them to take the oath to the best of my ability, but not to receive their oaths until it is proved to me by the receipt of the treasurer that they have paid him 4 Parisian *solidi* for behoof of the nation; nor to append the seal or signet of the nation to any one's diploma of graduation until he has proved to me by the treasurer's receipt that he has paid 4 Parisian *solidi* for behoof of the nation. I also swear to sue for contributions due by the representatives of the nation to its *bedellus*, and to press recusants for payment as for a contribution due to the nation.

Secondly, the nation has ordained that every novice shall, on his arrival, pay 4 Parisian *solidi* to the *bedellus* of the nation for the first year, and 3 Parisian *solidi* for each subsequent year at the festival of the apostle Saint Andrew.

II. STATUTE REGARDING THE TREASURERSHIP.—IN A.D. 1407, in the thirteenth year of the pontificate of our lord, Pope Benedict XIII., Robert de Merton being procurator, the nation, solemnly assembled, resolved, and by way of reformation ordained, wishing to make up as far as possible for past losses, and diligently to obviate future risks, that the treasurer of the nation shall be bound by oath in future to render a faithful account of his receipts as treasurer, on the Sunday immediately preceding the festival of the apostle Saint Andrew, in presence of the nation met for the purpose; and that he shall thereupon resign his office freely and without difficulty, the nation being then entitled to continue him in office or to elect a new treasurer.

Also, in order that the funds of the nation may be better safeguarded in future, the nation resolved and ordained that the funds now collected

for its behoof be placed in the custody of Peter de St. Maximin, a citizen of Orleans, and that the said Peter be bound to enter the amount and date of receipt in his account-book.

The nation also ordained that the treasurer, on rendering his accounts annually, as above provided, shall, without delay, in presence of the procurator and the *bedellus* of the nation, pay the moneys he has received to the said Peter, who shall be bound to enter the amount and the date of receipt in his said books. It was also ordained that in future the procurator keep a book, in which he shall likewise be bound to enter the sums collected and paid to the said Peter, and the sums still to be collected, in the same manner as the said Peter has to enter the receipts in his book.

The nation further ordained and determined that it be inviolably observed, that the said Peter pay to no one the moneys received or to be received by him on account of the nation, except to the procurator, in presence of the nation met for the purpose. And should it happen in future, which God forbid, that, on account of the hazards of war or other chances, mankind being exposed to many vicissitudes, the nation were reduced to one or two members, and that he or they should demand that the said funds be produced and handed over to them in name of the nation, Peter shall on no account pay the money to the claimants, unless they be men so grave and honest as to be above all possible suspicion, and then only in presence of the college of doctors and procurators, and of the *bedellus* of the nation.

These statutes were passed in the above year, on the 27th of May.

III. Adjustment of Fees.—In A.D. 1408, on 6th June, Magister William de Glendonyn being procurator, the nation having solemnly met for the purpose, resolved and ordained, for various and reasonable causes concerning the good of the nation, and particularly for the speedier acquisition of a mace, that no one, whether already sworn or entering for the first time, be admitted to any degree or be allowed to take the oath until he has paid 18 Parisian *solidi* to the treasurer of the nation.

IV. Fee for Students from other Universities.—In A.D. 1409, on 20th June, Magister William de Glendonyn being procurator, the nation having solemnly met for various purposes concerning its advantage and welfare, ordained that no one coming from another *studium* to this university for the purpose of obtaining a degree be admitted to the oath unless he has first paid 8 Parisian *solidi* to the treasurer for behoof of the nation, while the former statute concerning the 18 *solidi* to be paid by students and lecturers in this *studium* shall still remain in force.

Treasurer's Oath.—I swear to keep in faithful custody the moneys paid to me for behoof of the nation. I also swear to render an account and make faithful reckoning, on the Sunday next before the festival of the apostle St. Andrew, of the sums received by me as treasurer. I also swear that, on rendering my accounts, I will freely, and without

any delay or difficulty, resign my office of treasurer in presence of the nation, so that the nation may then be free to continue me in office or to elect another.

V. Modification of Fees.—In A.D. 1411, on 20th March, James de Parkle being procurator, the nation, solemnly assembled, ordained, by way of reform, as follows: Whereas it sometimes happens, owing to the urgency of events, that, having regard to the poverty of men and the unstable nature of the times, it becomes necessary to alter a former salutary statute in accordance with the necessities and vicissitudes of the present time, lest worse should happen in future: therefore the nation in past times, for various and reasonable causes concerning the honour and welfare of the nation, and especially for the speedier acquisition of a mace, has ordained that no one, whether a new-comer or already sworn, should be admitted to the oath or to any degree until he had paid 10 Parisian *solidi* to the treasurer of the nation, and also that no one coming from another *studium* to this university for a degree should be admitted to the oath until he had paid 16 Parisian *solidi* to the said treasurer; but now, since it of right behooves the said nation to use every effort to promote the interests of individuals and the welfare of its own members, and to prevent waste of funds, therefore the nation, solemnly assembled as aforesaid, resolved, until the making of a mace, somewhat to amend the regulations contained in the former statutes written in this book, to the effect, namely, that in future persons already sworn or coming for the first time to study, or to obtain a degree, be bound to pay 18 Parisian *solidi* only; and also that persons coming from another *studium* to this university in order to obtain a degree be bound to pay 18 Parisian *solidi*.

These things were done in the year and on the day aforesaid.[1]

VI. Sir John Stewart's Foundation.[2]—To all who shall read these present letters, the Dean and Chapter of the Church of Orleans offer greeting in the name of Him to serve whom is to reign. We believe that we are well-pleasing to the divine Majesty, and that we do a

[1] The verbose preamble of this statute seems to point to an intended reduction of the fees payable to the nation, whereas the enacting words increase them. The statute refers to some earlier regulation that has not been recorded. It probably means that it was for the true interest of the individual members and the whole nation to be well provided with funds for all emergencies.

[2] Sir John Stewart of Darnley, ancestor of Lord Darnley, and constable of the Scottish army in France, fought, after the date of the above foundation, in the battles of Baugé and Crevant under the Earl of Buchan, High Constable of France. In 1428 he and his brother were slain in battle before Orleans, and were buried in the great cathedral of that city. The cathedral was burned down by the Calvinists in 1567, and afterwards rebuilt, but the apse of the original church survives. This apse and the Salle des Thèses are almost the sole surviving relics of the Orleans of the 'Scottish period.'

laudable and salutary work when we direct our zeal to things whereby the devotion of the faithful is increased, the salvation of souls is secured, and divine worship is enhanced. We therefore make it known that, in our chapter, in the morning at the usual hour, at the sound of the bell, as is customary, the following lords and masters being assembled, viz. Simon Gueretus, sub-dean; Armisius Gombertus, cantor; John Parinetus, archdeacon of Balgen [?]; John de Matiscon, sub-cantor; Thomas Coyffurel, William de St. Maximin, John Cherelle, Peter Liezard, William de Kalchez, John of Ulm, William de Vezins, and Peter de Leuda, beneficed canons of our church, holding and celebrating our chapter and that of our said church, the noble and powerful lord Sir John Stewart of Dernele, constable of the Scottish army, wishing to provide for the salvation of his soul and for the souls of his wife Lady Elizabeth and of his relations and benefactors, has made known to us through the medium of the venerable and distinguished Magister John de Kirkmichel, our fellow-canon, that he had long intended to found a perpetual mass at the altar and greater chapel of Blessed Mary in our said church, to be celebrated every morning after matins, with music, by one of our fellow-canons and the boys of the choir of the said church, and that, in order to endow the said mass and defray any expenses connected with it, he would now pay over to us a thousand and fifty gold crowns for the benefit of our revenues: provided, however, that if the said mass, owing to the paucity of canons in our said church, cannot be conveniently celebrated by a canon, it may be celebrated by one suitable and qualified beneficed priest of our church, and that the said mass be announced by thirty distinct strokes of one of the four great bells of our said church, at two intervals, one after the tenth stroke and another after the twentieth; if we, in the premises, would give our consent, and would take burden on ourselves and our church concerning these things, and would to that effect grant our obligatory letters to him, his heirs, and assignees, and also to the rector and to the university of the venerable *studium* of Orleans, and to the venerable Scottish nation in the said university: We, therefore, cordially approving and extolling his devotion and his pious and salutary proposal, and desiring to favour him in his devout desire, and to see the divine services in our said church increased, have resolved to accede to the wish of our said lord, the founder, in the manner he has proposed. Wherefore we, having actually received from the foresaid Magister, John de Kirkmichel, the sum of a thousand and fifty gold crowns, in gold of good and legal weight, paid by him on behalf of the said lord, the founder, together with a mortification of a hundred Parisian pounds of annual income acquired, or to be acquired, by our said church from the Dauphin, lord regent of the kingdom, having been made and granted in favour of the said founder, regarding which he has delivered to us, along with the said sum of gold, the letters-patent of the Dauphin, the lord regent, signed and sealed with his great seal in good and competent form: We promise faithfully that, henceforth in

perpetuity, we shall cause the said mass to be devoutly celebrated daily at the said altar and chapel, at the hour and with the ringing of bells as aforesaid, and in all respects in the manner and form above declared and set forth, under the hypothec and obligation of all and sundry our own goods and those of our said church; also binding ourselves, the said Dean and Chapter, to the said Sir John Stewart, the founder, to his heirs and assignees, to all having, or who shall have, title from him, and all others whom it may interest in future, to the rector and university of the venerable *studium* of Orleans, and to the venerable Scottish nation in that *studium*, as aforesaid, to celebrate the said mass daily at the hour, and with the ringing of bells, and in other respects in the manner and form above specified, and for that purpose binding all and sundry our goods, movable and immovable. And moreover, desiring to deal still more liberally with the said founder Sir John, who chose his burial-place in our said church and in the said chapel, if he happen to die on this side of the sea, we grant, contract, and faithfully promise to cause a mass of the Holy Ghost to be solemnly celebrated annually as long as he lives, and after his death on its anniversary, as is customary in the case of kings. In witness whereof we desire these our present letters to be drawn up in public form by our notary undersigned, and to be sealed and subscribed with the public seal and the signature of the said notary, and to be confirmed, in witness and corroboration of the premises, with the impression of the seal of our chapter. Given and done in A.D. 1421, in the fourteenth indiction, on 20th August, in the fourth year of the pontificate of the holy father in Christ, our lord Martin v., pope by divine providence: in presence of the noble and distinguished witnesses William de Hamilton, lord of Bathcat; Michael Norvel, esquire; Magister William of Blackrim, curate of Kirkintolach; the priests Peter Theuron, keeper of the great purse of our said church, and Gilbert Baudris; the curate of the parish church of St. Privat near Orleans; besides several other witnesses specially summoned for the purpose. Signed, J. Martini. These letters were read and passed in the chapter: J. Martini. And I, John Martini, cleric of Orleans, public notary by apostolic and imperial authority to the said lords, the Dean and Chapter, and to the said University, was present at all and sundry the premises while they were given and done as above written, having been summoned along with the above-named witnesses, and I have drawn them up in this public form by order of the said Dean and Chapter, and signing my name thereto I have adhibited my public seal, together with the seal of the said lords, the Dean and Chapter, here appended, in testimony of the premises. The said lord, Simon Gueretus, most distinguished professor of both laws, at present rector of the University, on behalf of the said University, and the procurator of the venerable Scottish nation, on behalf of the said nation, being also present as contracting parties and accepting what is written above. Approving, with full knowledge, of the erasures above made in the ninth line, where 'our said church' is mentioned.

J. MARTINI.

Copied and collated with the original letters by me, Peter Bernardi, in A.D. 1444, on 15th July.

VII.[1] I, Peter Hud, of the diocese of Bourges [?], was elected procurator of the venerable and fruitful Scottish nation, no one contradicting, in A.D. 1451, on the eve of St. Andrew's Day. Witness my sign-manual adhibited here on the above day. HUD.

'*Mains en parlent.*'

'Nothing is more precious than honour.'

VIII. FEE OF NOVICES RAISED.—In A.D. 1451, on the last day but one of November, on the eve of the apostle St. Andrew's Day, the venerable Scottish nation, solemnly assembled, resolved, with a view to correct the preceding statutes on account of several erasures made in them, and for divers and reasonable other causes, that no novices be in future admitted to the oath until they have paid the said nation one crown in gold. The nation also ordained that they should have no voice in the meetings of the nation until they had made satisfaction to the nation.

IX. I, David Wauchope, a Scot, of the diocese of St. Andrews, was created procurator of the Scottish nation, no one contradicting, in A.D. 1501, in witness whereof I have signed the present writing with my seal and name, in the above year, on 1st May.

X. Renatus Cokburne and John Cokburne were sworn and admitted to the Scottish nation on 21st September, A.D. 1502.

XI. Magister George Logan, rector of Lestarig,[2] and James Logaine, his servitor, students in the *studium* of Orleans, were admitted by me, Magister David Wauchope, procurator of the Scottish nation in the said university of Orleans, to take the oaths of the nation on 13th October, A.D. 1502; and on the same day, in the evening, Magister David Borthik was admitted as a representative of the said nation. In witness whereof my signature and seal are hereto appended.

DAVID WAUCOIPE, procurator of the said nation, as above. 'Trusting in God, love life, and flee from death.' David Wauchoipe, procurator as above.

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[1] Almost all the following entries extracted from the book of the nation record the appointment of procurators, the admission of members, etc. As the entry by Peter Hud is the first of the kind, it seems probable that the book was procured for the nation during his term of office, and that he or his immediate successors collected all the statutes they deemed binding on the nation and got them transcribed into the book. The entries, therefore, that are here numbered VII. to XLIX. are original, while those preceding it are transcripts.

[2] For Restalrig.

XII. On 14th October, Magister James Symson, a Scot, was admitted to the oath of the nation by me David Wauchoip, at present procurator of his said nation. Witness my writing, together with my signature and seal, on the above day, in A.D. 1502. DAVID WAUCHOIP,
Procurator as above.

XIII. I, David Borthik, a Scot, of the diocese of St. Andrews, was elected procurator of the venerable and fruitful Scottish nation, no one contradicting except the procurator for the time being, notwithstanding which I gained my cause in the college, in presence of the doctors and the procurators, in A.D. 1502, on the eve of St. William's Day, my sign-manual being adhibited on the above day. DAVID BORTHIK.

'No happiness without pain. Nothing is more excellent than virtue, nothing is stronger than a regard for truth. Trusting in God, love life, flee from death, persevere in well-doing. Thanks be to God. Amen.'

XIV. I, David Tours, of the diocese of St. Andrews, was elected procurator of the venerated Scottish nation, none of the representatives of the said nation contradicting, in A.D. 1503, on the last day of March.

In the same year, on 20th June, the honourable student Magister Gilbert North [?] and John Coutler were admitted, and were conditionally sworn by me, viz. provided they have satisfied the treasurer of the said nation. In witness whereof I adhibit my sign manual to these presents.
D. TOURS.

XV. I, Magister Gilbert de Norte, elected new treasurer in A.D. 1503, on 20th November, by the lords of the Scottish nation, acknowledge to have received from the venerable Magister David Wauchope, the immediately preceding treasurer of the said nation, the sum of 26 *solidi* of Tours, from his receipts as treasurer during his tenure of the said office, for which sum I discharge him in the name of the nation and grant him acquittance. In testimony whereof I have written this document with my own hand, in presence of these witnesses named below, the venerable Master of Arts James Symson, Magister John Cokburne, and divers and singular others. GILBERTUS NORTHE.

XVI. I, Renatus Cokburne, was appointed procurator of the venerable Scottish nation, no one contradicting, on this 1st October, 1504. Witness my sign-manual affixed hereto in the year and on the day above-named. R. COCQUEBORNE.

'James, King by the grace of God.'

XVII. In A.D. 1507, on 23rd November, there were received as novices Magister Robert Blakadir, rector of the metropolitan church of Glasgow, and Magister James Heriot, vicar of the church of St. Michael, Dumfries, in the same diocese, under me Stephen Turnbull, procurator

of the illustrious Scottish nation, both of whom took the oath and paid the fees due to the nation. In witness whereof I have caused my sign-manual to be adhibited to these presents in the year and on the day as above. TOURNEBULLE.

XVIII. In A.D. 1507, on Christmas Eve, Magister James Heriot, of the diocese of Glasgow, was elected procurator of the Scottish nation, none of the enrolled members opposing. Year, month, and day as above. Witness my sign-manual. J. HERIOT.

XIX. I, James Ogelius, of the diocese of Aberdeen, was elected procurator of the venerable Scottish nation in 1508, on 6th April. In witness whereof I have caused my sign-manual to be adhibited to this writing. JA. OGELIUS.

XX. 'Jesus, Mary.'—I, Alexander Bercular, of the diocese of Moray, was elected procurator of the venerable Scottish nation in A.D. 1408. On 6th October Henry Spittall and M. Gilkyar were received as novices, each of whom took the oaths and paid the fees due to the nation. In witness whereof I have caused my sign-manual to be adhibited to these presents, year and day as above. ALEXANDER BERCULAR.

XXI. I, Henry Spittall, of the diocese of St. Andrews, was elected procurator of the venerable Scottish nation in A.D. 1508, on 26th January. In witness whereof I have caused my sign-manual to be adhibited to these presents, year and day as above.

HENRY SPITTALL.

XXII. I, James Lausoun, of St. Andrews diocese, was elected procurator of the venerable Scottish nation on 3rd October, in the year of our salvation 1510. JAMES LAUSOUN.

XXIII. I, Arthur Boetius, of Brechin diocese, was elected procurator of the benignant Scottish nation in the most famous university of Orleans on 8th January, A.D. 1510. Also a second time on 9th October, A.D. 1512. In witness whereof I have caused my sign-manual to be adhibited to this writing. BOETIUS.

XXIV. I, Magister John Lethane, of Glasgow diocese, was elected procurator of the venerable nation of the Scots in 1511, on 3rd April, as witness my usual signature. JOHN LETHANE.

XXV. I, John Hamylton, of St. Andrews diocese, was elected procurator of the venerable Scottish nation, no one opposing, in A.D. 1512, on 15th April, as witness my sign-manual affixed hereto, year and day as above. JOHN HAMYLTON.

'We cannot all do all things—attempt we not too much!'

XXVI. In A.D. 1512, on the Ides of July, I, Magister James Foullis, of Edinburgh, of the metropolitan diocese of St. Andrews, the patron saint of the Scottish nation, was elected procurator at Orleans, with the favouring assent of all. FOULLIS.

'My help cometh of the Lord.'

XXVII. ELEGIAC POEM [1]

Triumph, O name of Scots, with threefold praise!
Ennobled be thy race by noble deeds!
Though warlike, brief in wrath; she sacred keeps
Her treaties; feigning nought, she loves the truth.
She nought more shameful deems than broken faith,
Yet surety from a fickle foe exacts.
Proud of her strength, inured to toil, she bears
All hardships; few her words, but high her aims.
Though subtly using craft to foes, she loves,
More than all else, her friends and country dear.
When she must fight her borders to defend,
Her king's behest, not lucre, fires her zeal:
And then, of aspect fierce, with faces stern,
Her men strong-limbed, undaunted, fly to arms.
She loves to serve heaven's mighty Thunderer,
And worship Him with piety unfeigned.
Long, under favouring stars, may Scotland thrive,
And long be blest with worshippers of Christ,
That Jupiter may then be pleased to grant
Our king long life and scions in long line!
Long may the Fates defer their righteous tasks,
Long may the cruel Sister stay her hand!
Love James the Fourth, O Scotland, with whose aid,
Auspicious fame will thee to heaven exalt!

Long live Edina's happy, generous youth,
Rejoice and flourish, dowered with every good!

FINIS FOULLIS.

XXVIII. In A.D. 1512, I, David Straughin, of St. Andrews diocese, was elected procurator of the venerable Scottish nation, on 11th January. DA. STRAUGHIN.

XXIX. I, Francis Bothwell, of St. Andrews diocese, was elected procurator of the illustrious Scottish nation in the benign university of Orleans, on 3rd August, A.D. 1513.

[1] While the Latin of this effusion is faulty, the sentiments are characteristically Scottish. A metrical translation is here attempted, but with little deviation from the original words.

XXX. On 21st January, A.D. 1513, I, Magister Francis Bothwell, resigned the office of procurator of the Scottish nation, and on the same day Magister Williamson was elected procurator, as witness my hand.

XXXI. I, Walter Beton, of St. Andrews diocese, was elected procurator of the venerable nation of the Scots in A.D. 1513, on 7th January, as witness my sign-manual adhibited hereto, year and day as above. WALTER BETON.

XXXII. I, Andrew de Cezise, of the diocese of Orleans, but descended from a most noble family of Scots, was elected procurator of the said nation, by consent of all, and was inducted by the Rector of the benignant university of the same, A.D. 1514, on 3rd May. In witness whereof I have caused my sign-manual to be adhibited to this writing.
AN. CEZISE.

XXXIII. In A.D. 1515, on 1st February, I was created procurator of the venerable Scottish nation, in full meeting, no one opposing. That these things are true I certify under my sign-manual. Done in the above year. VERAT.

XXXIV. I, Magister 'Thomas Mgerbaulx,' of Glasgow diocese, no Scot now remaining in the lawsuit long carried on with Andrew de Cezise, who asserted that he was procurator, was elected procurator, and confirmed by the Rector and governing doctors, he opposing, in A.D. 1517, on 10th August.

XXXV. In A.D. 1518, I, Magister William Jonstonne, of St. Andrews diocese, was elected procurator of the most noble nation of the Scots, on 1st November. Witness my sign-manual. WILL. JONSTONNE.
'Do what you have come to do.'

XXXVI. In A.D. 1519, on 16th October, I, William Johnstonne, being procurator of the illustrious Scottish nation, the noble Magister David Beton, the most meritorious chancellor of Glasgow, was received as a novice, who, having been sworn and received by me, paid the fees of the nation. In witness of which I have caused my sign-manual to be adhibited. W. JOHNSTONNE.

XXXVII. Election of a procurator in A.D. 1519, on the 7th of the Ides of January.

On the 7th of the Ides of January the venerable nation of the Scots met in the house of the salvation-bringing Annunciation of the Virgin Mother of Christ, with a view to settle two different matters, one concerning the election of a new procurator, while the other gave rise to petitions and recriminations. In the first place, therefore, no one objecting, Magister Peter Houstane, of the diocese of Dunkeld was

elected procurator, who, as is usual in such cases, after taking the oath and returning thanks to the electors, obtained actual possession of his office by the delivery of the book [of the nation]. The distinguished Magister William Johnstone, who had just vacated the office of procurator, thereupon petitioned that everything done by him on behalf of the nation should now be ratified. Which petition the nation granted, not omitting to thank him for the labours he had undertaken. And it was thus settled by me, then elected procurator. HOUSTANE.

In the above year the very learned Magister Andrew Ayton, of Dunkeld diocese, was admitted to the usual oaths by me, the procurator Peter Houstane.

XXXVIII. I, James Hepburn, of St. Andrews diocese, was elected procurator of the benign Scottish nation, A.D. 1520, on 17th April.

XXXIX. On the third of the kalends of July, A.D. 1520, Magister Andrew Aytonne, of Dunkeld diocese, was elected procurator of the venerable Scottish nation, who taking burden on himself, and without omission of the usual formalities, entered into possession, etc.

A. AYTONNE.

XL. On 5th October, in the year of the Incarnation of our Lord 1520, Magister George Beton, of St. Andrews diocese, was elected procurator of the venerable Scottish nation, who taking burden on himself, and without omission of the usual formalities, entered into possession. Witness his sign-manual adhibited hereto. BETONN.

XLI. I, John Hepburn, of St. Andrews diocese, was elected procurator of the venerable Scottish nation in A.D. 1521, on . . . April. In witness whereof I have caused my sign-manual to be adhibited to these presents, year and day as above. JOHN HEPBURN.

XLII. In A.D. 1521, on 28th June, at a general meeting of the lords, the Rector, the doctors, and the procurators of the university of Orleans, held with the usual solemnity, it was resolved that in future no one shall enjoy the privileges of the said university until he has taken the oath to his nation and has paid a crown in gold. J. HEPBURN.

XLIII. I, Magister George Hepburn, of St. Andrews diocese, was elected procurator of the benignant nation of Scotland, A.D. 1521, on 8th January.

XLIV. I, Magister Robert Graye, doctor of medicine and bachelor of canon law, of Aberdeen diocese, was elected procurator of the venerable Scottish nation, in the year of the Incarnation of our Lord 1525, on 11th April. In witness whereof I have caused my sign and seal to be appended. ROBERT GRAYE.

XLV. I, Magister Thomas Crow, of Glasgow diocese, and canon of the metropolitan church of the same, was elected procurator of the venerable Scottish nation, A.D. 1530, on 2nd December.

XLVI. In 1537, on 15th October, I was created procurator of the venerable Scottish nation, and that in full meeting, no one opposing, and I certify under my sign manual that these things are true.

A. VERAC.

XLVII. The election alleged by the said Verat was repudiated by the lord rector Minier and by the whole college, and it was resolved by the college that, as the said Verat had already exercised the office of procurator for three months, proceedings should be taken anew for the election of a new procurator. A proclamation therefore having been made, against which he appealed, I, Martin de Rotheluche, of Scottish origin, bachelor of civil law, was elected procurator on 10th December 1537, and notwithstanding the objections of the said Verat, the right of induction into the said office was adjudicated to me; as witness my seal here affixed. M. ROTHELUCHE.

'Thoroughness of knowledge gives authority; mere elegance brings contempt.'

XLVIII. In A.D. 1537, on 3rd January, I, Guy Cassard, of 'Eduen.' diocese, was elected procurator of the venerable Scottish nation. In witness whereof I have caused my sign-manual to be adhibited.

G. CASSARD.

'Peace above all!'

Note that during my term of office the regent master Nopenus was elected and created doctor.

XLIX. In 1538, on 27th June, I, Martin de Rotheluge, bachelor in law, was again elected procurator of Scotland, no one opposing or objecting, the notary F. Massuus being witness, and likewise my seal being here adhibited. ROTHELUGE.

LIST OF PROCURATORS OF THE SCOTTISH NATION[1]

(1336-1538.)

1336. Gartentus Bisetus (F. i. p. 93).

1337. Walter de Conventre; professor in 1350, he presents the Magister, Stephen de Grange, for the licence *regere et docere* in civil law (F. i. pp. 116, 178.)

1397. Simon de Mandeville (*sup.*, p. 71; F. i. p. 178).

1407. Robert de Merton (*sup.*, p. 72; F. i. 178).

1408. William de Glendonyn (*sup.*, p. 73; F. i. pp. 178-9).

1411. John de Parkle (*sup.*, p. 74; F. i. 179).

1418. John Aluart, 'office-bearer,' doubtless procurator of the Scottish nation (F. i. 201).

1421. Sir John Stewart, of Darnley, represented by Magister John de Kirkmichael, one of the canons of the cathedral, and afterwards Bishop of Orleans, founds a mass for the repose of his soul, the nation being one of the contracting parties, its procurator (not named) being present, along with William de Hamilton, Michael Norvel, William de Blackrim, and others (*sup.*, pp. 74-8; F. i. pp. 202-3).

1448. Peter Guenet, *bedellus* of the nation (F. i. pp. 223, 227).

1451. Peter Hud (*sup.*, pp. 58, 64, 78, 94).

1481-84. William Elphinstone, afterwards Bishop of Aberdeen, and founder of the university of Aberdeen, studied and taught at Orleans for three years about this date (*sup.*, p. 55).

1501. David Wauchope (*sup.*, p. 78).

1502. Renatus Cockburn; John Cockburn; Magister George Logan, rector of Restalrig, and James Logan, his servitor; and Magister James Simson: all received and sworn as novices (*sup.*, pp. 78-9).

1502. David Borthik (*sup.*, p. 79).

1503. David Tours. Treasurer, Gilbert North (*sup.*, pp. 79-80).

1504. Renatus Cokburne (*sup.*, p. 80).

[1] This list includes a few other names besides those of procurators. The latter seem to have been invariably *magistri*, licensed lecturers or professors, and members of the *collegium* or governing body. These qualifications may therefore be held as appended to each of their names. How the other persons named here were connected with the 'nation' is expressly stated in each case.

1507. Stephen Turnbull (*sup.*, p. 80).
James Heriot (p. 81).
1508. James Ogelius (*sup.*, p. 81).
Alexander Bercular (*ib.*).
Henry Spittall (*ib.*).
1510. James Lausoun (*sup.*, p. 82).
Arthur Boetius (*ib.*).
1511. John Lethane (*ib.*).
1512. John Hamilton (*sup.*, p. 82).
James Foullis (*ib.* and p. 83).
Arthur Boetius (*sup.*, p. 82).
David Straughin (*sup.*, p. 84).
1513. Francis Bothwell (*ib.*).
John Williamson (*ib.*).
Walter Beton (*ib.*)
1514. Andrew de Cezise, of Orleans, but of Scottish origin (*sup.*, p. 84).
1515. Verac (or Verat, *sup.* p. 85).
1517. Thomas 'Mgerbaulx' (*ib.*).
1518. William Johnstone (*ib.*)
1519. Magister David Beton, chancellor of Glasgow, received and sworn (*ib.*).
1519. Peter Houstane (*sup.*, p. 86).
1520. James Hepburn (*ib.*).
Andrew Ayton (*ib.*).
George Beton (*ib.*).
1521. John Hepburn (*sup.*, p. 87).
George Hepburn (*ib.*).
1525. Robert Gray (*ib.*).
1530. Thomas Crow (*ib.*).
1537. A. Verac (or Verat; *sup.*, p. 88); perhaps the same as under date 1515.
Martin de Rotheluche (*ib.*); see also under 1538.
Guido Cassard (*ib.*).
1538. Martin de Rotheluge, re-elected (*ib*).
1560-63. The famous George Buchanan is said to have visited Orleans, and perhaps studied and taught there, about this period. It is certain that he was on intimate terms with Pierre Daniel, a distinguished graduate of Orleans and advocate in the Parlement of Paris (*sup.*, p. 56).

From an old Drawing.

OLD UNIVERSITY BUILDINGS OF ORLEANS

Erected towards end of 15*th century, demolished about* 1829

Approved for Release: 2019/10/15 C05102515

MUSTER-ROLL
OF THE FRENCH GARRISON
AT DUNBAR

1553

Edited by

ROBERT S. RAIT

INTRODUCTION

THE English invasion of Scotland, during the minority of Mary Stuart, came to an end in the spring of 1550, when the English, by the Treaty of Boulogne, promised to evacuate every Scottish castle in their possession. They had, in point of fact, been driven out of every important stronghold, and all Scotland knew that this deliverance from the 'auld enemy' was due to the French alliance, and that it was essential, as a precautionary measure, to retain French troops in the country. The sense of gratitude which the Scots entertained for their allies was greatly diminished by jealousy of the foreigners and by the knowledge that the Queen-Mother, Mary of Lorraine, was anxious to increase, to the utmost possible extent, French influence in Scotland. The little queen had been in France since August 1548; she was soon to be the bride of the dauphin, and a continuance of French influence seemed inevitable. In these circumstances the occupation of some strong places by the French could not be avoided, but the precise number of them remained to be determined.

On the 22nd April 1550, the Privy Council of Scotland drew up for the information of the Queen-Dowager and of Henry II. a statement of the French garrisons which they deemed necessary for the protection of the country. There was no desire on the part of the Regent Arran or of the Council generally needlessly to increase the number of French soldiers in Scotland, and they preferred that some strongholds should be 'cassin doun' rather than that they should be thus occupied.

But about the Castle of Dunbar there could be no hesitation; it must be defended at all hazards. It was accordingly intimated that the Council desired King Henry to place in it such a garrison 'as his Majestie or his lieutennent thinkis nedfull for preservatioun of the samyn in time of pece.' The muster-roll and pay list of the garrison as it existed in 1553 shows what the King of France 'thocht nedfull.' Dunbar had been garrisoned by French soldiers for a considerable time, and it had been under the charge of more than one notable French governor, but it has not been possible to discover any trace of this Captain Carronant, who with his officers, thirty men at arms, thirty-five arquebuisiers, and twenty-five privates held the Castle in 1553. The document itself requires no explanation beyond the translation here appended. It is a muster-roll and pay list drawn up after a special review and inspection made by a French official of high rank.

R. S. R.

USTER-ROLL of the FRENCH GARRISON quartered at the Castle of Dunbar under the command of Captain Carronant, in the year 1553.

OLLE de la monstre et reueus faicte a Dombarre au pays et oyaume d Escosse le vnziesme jour de Juing lan mil cinq ns cinquante trois de cent hommes de guerre apied Francois Gascons estans de longtemps pour le seruice du Roy au oyaume d Escosse et de present en garnison au chasteau du ombarre soulz la charge et conduicte du Cappitaine Karnant sa personne y comprinse par Jehan de Monlo sieur du u commissaire extraordinaire des guerres et commis a ire la monstre et reueue icelle seruant a lacquict de Ms. aoul Morcan conseiller du Roy et lun des tresoriers de xtraordinaire de ses guerres pour quatre mois entiers comanceans les septiesmes jours des mois de Mars Auril May : le present mois de Juing desquelz gens de guerre apied les oms et surnoms ensuiuent :—

Premierement.

Le Cappitaine Carronant.
Le Cappitaine Masse Lieutenant.
Le Cappitaine Bordet enseigne.
Jehan de Trerme sergent

Cappitaines descouadre de picquiers.

La Pallue.
Enguerrant.

Cappitaine descouadre de harquebuziers.

[illegible]e Pernes.

Gens armez et portans corsellets.

Francois Meuret.
Anthonie de Vernasaltz.
Fortin de la Piote.
Guillaume de Mas.
Jehan de la Mayre.
Pierre Mourry.
L hermite.
Pierre Sarre.
Guillaume Loriston.
Loys Lescauf.

xvij.

Francisco Arnauldes.
Noel Rabas.
Jacques Oezier.
Anthonie Sollier.
Vierre.
Lagrec.
Jehan Bridier.
Jelen le Roux.
Guyon le long.
Mathurin de la Touche.
Laurens Ygard.
Thanoynes.
Guillaume Culterc.
Anthonie du Vert.
Jehan Cazade.
Pierre Gendre.
La Dagne.
Pierre Verdier.
Claude Veus.

xix.

Pierre Charles.

Harquebuziers armez de maillers et moreons.

Locquart.
Maleteste.
Channet.
Monragur.

Anthonie la grange.
James Molynet.
Le Castella.
Pierre le Taneur.
Pierre du fic.
Jehan de la Fargue.
Petre Poule.
Le Capdei.
Francois Praderes.
Jehan Thony.
La Runerc.

Harquebuziers simples.

Robert Florimont.
Martin Canye.
Marc.

xix.

Vieille Guerre.
Claude Francois.
Jehan Francois.
Jacques Andre.
Estienne de la Faurye.
Vidan Darrolles.
Nicolas du von.
Noel Turpin.
Jehan Montan.
Jehan duboys.
Allexander Sauxon.
Jehan le Sauuaige.
La Brousse.
Le Merle.
Francois le Breton.
Le Bragard.
Fayolles.

Le Phiffre.
Le Thabourin.
Le Fourrier.

Gens prenans simple paye.

Guyon Moulan.
Le Monro.

Berthrand de Fangaulx.
Jehan le Maistre.

xxiiij.

Jacques Guilhan.
Raymont Tanoyn.
La Montaigne.
Le petit Estienne.
Hue Ladre.
Anthonie Dupic.
Janot Caldisac.
Le Picart.
Bourdeaulx.
Jacquet le Prince.
Jehan le Moyne.
Guillaume Mosselet.
Pierre de Leuren.
Le Mareschal.
Le Seigneur.
Claude Dehors.
Robin Dore.
Guyon Genytor.
Thomas Sowars.
Pierre Du Boys.
Robert Malcheson.

xxj.

Nombre total Cent.

Nous Jehan de Monlo sieur du lieu commissaire dessusnomme certifions a nos sieurs les gens des comptes du Roy notre sire a Paris et autres quie appartiendra auoir veu et visite par forme de monstre et reueue tous les dessus et escriptz cent hommes de guerre apied Francois et Gascons estans de long-temps pour le seruice du Roy en ce Royaume d Escosse et de present en garnison au chasteau de Dombarre soulz la charge et conduicte du cappitaine Karronant sa personne y comprinse, Esquelz ya oultre le Cappitaine, son lieutenant, vng porteur danceigne, vng sergent de bande, deux cappitaines descouadre de picquiers, vng autre de harquebuziers, trente hommes armez et portans corselletz, quinze harque-

buziers armez de mailles et moreons, vingt autre harquebuziers simples, vng phiffre, vng tabourin, et vng fourrier, Ausquelz apres les auoir trouvez en bon et suffisant estat et habillement de guerre pour le seruice du Seigneur et diceulx prins et revcu leur serment en tel cas requis et acoustume, leur auons faict payer bailler et delliurer comptant par M^{s} Raoul Morcan conseiller du Roy et lun des tresoriers de lextraordinaire de ses guerres, Assauoir, aus cent hommes a chacun vingt quatre liures pour leur soulde et simple paye du quatre mois a raison de six liures par moys, Et oultre et par dessus la simple paye au Cappitaine pour son estat quatre cens liures a raison de cent liures par mois, a son lieutenant pour semblable deux cents liures a raison de cinquante liures par mois, au porteur danseigne six vingtz liures aussi pour semblable a raison de trente liures par moys, au sergent de bande cinquante six liures a raison de quatorze liures par mois, aux deux cappitaines descouadre de picquiers a chacun pareille somme de cinquante six liures a la raison de quatorze liures par mois, a vng autre de harquebuziers quarente huict liures a raison de douze liures par mois, aux trente hommes armez et portans a chacun douze liures a raison de soixante solz par mois, aux quinze harquebuziers armez de mailles et moreons a chacun pareille somme de douze liures a la raison de soixante solz par mois, a vingt autres harquebuziers simples a chacun quatre liures a raison de vingt solz par mois, au phiffre trente deux liures a raison de huict liures par mois, au tabourin et au fourrier a chacun vingt quatre liures a raison de six liures par mois, Le tout a eulx ordonne pour leur gaiges soulde estatz entretenemens et appoinctemens de quatre mois entiers commanceans les septiesmes jours des mois de Mars Auril May et le present de Juing lan mil cinq cens cinquante trois. En tesmoing de ce nouz auons signe ce present roolle de notre main et faict seiller du seel de noz armes les jour et an dessus. J. Monlo.

En la presence de Monsieur Claude Helyot contreroller extraordinaire des guerres tous les dessus nommez et escriptz cent hommes de guerre apied Francois et Gascons estans de longtemps pour le seruice du Roy en ce Royaume d Escosse

et de present en garnison au chasteau de Dombarre soulz la charge et conduicte du Cappitaine Karronant sa personne y comprinse. Esquelz ya oultre le Cappitaine, son lieutenant, vng porteur danseigne, vng sergent de bande, deux cappitaines descouadres de picquiers, vng autre de harquebuziers, trente hommes armez et portans corselletz, quinze harquebuziers armez de mailles et moreons, vingt autre harquebuziers simples, vng phiffre, vng tabourin, et vng fourrier. Ont confesse auoir eu et receu comptant de M^e^ Raoul Morcan conseiller du Roy et lun des tresoriers de lextraordinaire de ses guerres la somme de quatre mil trente six liures tournes assauoir a chacun des cent hommes vingt quatre liures pour leur soulde et simple paye de quatre mois entiers a raison de six liures par mois. Et oultre et par dessus la simple paye le Cappitaine pour son estat quatre cens liures a raison de cent liures par mois, son lieutenant deux cens liures pour semblable a raison de cinquante liures par mois, le porteur danseigne six vingtz liures aussi pour semblable a raison de trente liures par mois, le sergent de bande cinquante six liures a raison de quatorze liures par mois, chacun de deux cappitaines descouadre de picquiers chacun pareille somme de cinquante six liures a la raison de quatorze liures par mois, le cappitaine descouadre de harquebouziers quarente huict liures a raison de douze liures par mois, chacun des trente hommes armez et portans corselletz douze liures a raison de soixante solz par mois, chacun de quinze harquebuziers armez de mailles et moreons pareille somme de douze liures a la raison de soixante solz par mois, chacun des vingtz autres harquebuziers simples quatre liures a raison de vingt solz par mois, le phiffre trente deux liures a raison de huict liures par mois, le tabourin et le fourrier chacun vingt quatre liures a raison de six liures par mois, A eulx ordonner pour leur gaiges soulde estatz appoinctemens et entretenemens de quatre mois entiers commanceans les septiesmes jours des mois de Mars Auril May et le present de Juing De laquelle somme de iiij^ny^ xxxvj £. lez et chacun deux particullierement se sont tenuz et tiennent pour contans et bien payee et en ont quict et quietent le M^e^ Raoul Morcan tresorier sus et touz autres Tesmoing mon seing manuel ay mis a leur

requeste le douziesme jour du mois de Juing lan mil cinq cens cinquante troys. C. HELIOT.

TRANSLATION

ROLL of the Muster and Review made at Dunbar, in the country and kingdom of Scotland, on the 11th day of June in the year 1553, of a hundred men of war, on foot, French and Gascons, who had been for some time in the King's service in the kingdom of Scotland, and now in garrison at the Castle of Dunbar under the charge and conduct of Captain Carronant (himself included), by John de Monlo, Lord of Monlo, Commissioner Extraordinary of War, and official for making that muster and review, serving in the pay of M. Raoul Moreau, Councillor of the King, and one of the Treasurers Extraordinary of the War for four complete months, beginning on the 7th days of the months of March, April, May, and the present month of June. Of the which men of war on foot the names and surnames follow :—

First, Captain Carronant.
Captain Masse, Lieutenant.
Captain Bordet, Ensign.
John de Trerme, Sergeant.

Captains of squadrons of Pikemen.

La Pallue.
Enguerrant.

Captain of squadron of Arquebuisiers.

Antony de Pernes.

Men-at-arms wearing corslets.

[Here follow 30 names.]

Arquebuisiers armed with corslets and morions.

[Here follow 15 names.]

Simple Arquebuisiers [*probably wearing jerkins only*].

[Here follow 20 names.]

The Fifer.
The Drummer.
The Quartermaster-Sergeant.

Privates.

[Here follow 25 names.]

Total—100.

We, John de Monlo, Lord of Monlo, Commissioner aforesaid, certify to our Lords of the Treasury of our Lord the King at Paris, and others whom it may concern, that we have seen and visited, by way of muster

and review, all the above enrolled hundred men of war on foot, French and Gascons, who have been for some time in the king's service in this kingdom of Scotland, and now in garrison at the Castle of Dunbar under the charge and conduct of Captain Carronant (himself included). Of these there are, besides the captain, his lieutenant, one ensign, one troop-sergeant, two captains of squadron of pikemen, another captain of arquebuisiers, 30 men-at-arms wearing corslets, 15 arquebuisiers armed with corslets and morions, twenty other simple arquebuisiers, one piper, one drummer, and one quartermaster-sergeant. After having found them in good and sufficient state and equipment for war, for the service of their Lord and Prince, and having received their oath, as is required and customary in such cases, we had them paid and delivered money by M. Raoul Moreau, Councillor of the king and one of the Treasurers Extraordinary for War,—that is to say, to the hundred men 24 livres each for their wages and regular pay for four months, at the rate of six livres a month. And beyond and above their regular pay 400 livres (at the rate of 100 livres a month) to the captain, for his rank; to his lieutenant likewise 200 livres, at the rate of 50 livres a month; to the ensign also six score livres, at the rate of 30 livres a month; to the troop-sergeant 56 livres, at the rate of 14 livres a month; to the two squadron-captains of pikemen an equal sum each of 56 livres, at the rate of 14 livres a month; to one other captain of arquebuisiers 48 livres, at the rate of 12 livres a month; to the 30 men-at-arms wearing [corslets] 12 livres, at the rate of 60 sous a month; to the 15 arquebuisiers armed with corslets and morions an equal sum of 12 livres, at the rate of 60 sous a month; to 20 other simple arquebuisiers 4 livres each, at the rate of 20 sous a month; to the piper 32 livres, at the rate of 8 livres a month; to the drummer and the quartermaster-sergeant 24 livres, at the rate of six livres a month. The whole is the sum ordered to them for their wages, pay, rank, maintenance, and equipment for four complete months beginning on the 7th days of the months of March, April, May, and the present month of June in the year 1553. In witness whereof we have signed this present roll, with our hand and had it sealed with the seal of our arms, the day and year aforesaid.

J. Monlo.

In the presence of M. Claude Helyot, Comptroller Extraordinary of War, all the aforesaid enrolled hundred men of war, on foot, French and Gascons [etc. as before] . . . . have acknowledged that they had received money from M. Raoul Moreau, Councillor of the King and one of the Treasurers Extraordinary for War, the sum of 4036 livres Tournois, that is to say [the pay is enumerated as before] . . . . For the which sum of 4036 livres they and each of them acknowledge that they are content and well paid, and have quit the said M. Raoul Moreau, Treasurer aforesaid, and all others. In witness whereof, I put my sign-manual to their request, the 12th day of the month of June 1553.

C. Heliot.

THE ANTIQUITY OF THE CHRISTIAN RELIGION AMONG THE SCOTS

From the original Latin of

GEORGE THOMSON, Scot., 1594

Translated and Edited by

HENRY D. G. LAW

INTRODUCTION

THIS little treatise, which I have translated at the request of my father, the honorary secretary of the Scottish History Society, now appears in English for the first time. It was published simultaneously at Rome in 4° and at Douai in 12°, in 1594, under the title *De Antiquitate Christianae religionis apud Scotos, autore Georgio Thomsono, Scoto.*[1] Four years later Possevin, the learned Jesuit educationalist, included it in the third edition of his *Bibliotheca Selecta*, vol. ii. p. 394 (Cologne, 1607), introducing it in the following words: 'Porro de Scotis, ne pereat Scriptum quod non ita pridem ad manus nostras pervenit, ad antiquitatem Christianae religionis apud Scotos pertinens, idque a viro probo et docto Georgio Thomsono conscriptum, huc illud attexendum duximus.' From this it is clear that Possevin was in ignorance of the Douai and Roman prints, and assumed that the 'Scriptum' was inedited. But he does not seem to be in any doubt as to the authorship, for thrice he ascribes it to George Thomson, whose name is on the title-page. The whole question of the authorship has been discussed at length by Dr. Law in vol. iii. of the *Papers of the Edinburgh Bibliographical Society* (1895), but it may be as well briefly to review the chief facts of the case.

In 1620, in his *Scotia illustrior*, Dempster, 'the too perfervid Scot,' ascribes the treatise to James Tyrie, the famous Scottish Jesuit, asserting that Thomson was a pseudonym. Two years later, in his *Apparatus ad Historiam Scoticam*, he appears

[1] This edition, bearing the imprint, *Duaci Typis Balthazari Belleri, sub Circino, An. xciiii.*, is exceedingly rare and little known. Balthazar Bellère began printing at Douai about 1500, but the book does not appear in Duthillœul's *Bibliographie Douaisienne.* There is a copy in the Signet Library.—T. G. L.

doubtful whether the author were Thomson or Tyrie; and finally, in 1627, in his *Historia Ecclesiastica*, he assigns the book under different titles to both writers, describing Thomson as 'a pious and catholic man of the school of Tyrie.' Dempster's testimony therefore is valueless. Assuming that Tyrie had something to do with it, we may suppose that Thomson, perhaps a young Jesuit, wrote it at his suggestion. But the theory that Tyrie was writing under a pseudonym is quite improbable, for Tyrie was at that time so well known that an appeal to Catholic Europe would have been more likely to succeed if backed by his name.

The object of the pamphlet is clear at first sight. It is an appeal to Catholics throughout Europe, and more especially to Scottish Catholics, to support the Scots College recently moved from Pont-à-Mousson to Douai. In the first part of the work the writer gives a short history of the Christian religion *apud Scotos*, and obviously endeavours to work upon the patriotic feelings of the Scots by sacrificing those of the English. After having pointed out that they were the first to receive the Christian religion; that they were not, like the English, '*Romano subditi Imperio*'; and that they were not infected by the venom of the Arian heresy, Thomson proceeds to show that abroad as well as at home the Scots were renowned for their piety which took such a practical form that many handsome monasteries were erected by them throughout Europe. This hint is followed by a sort of peroration. Thomson draws a sharp contrast between the Scots of his own day and those of old, curiously specifying as a characteristic of the devotion of the ancient Scots their practice of frequent genuflexion (*geniculatio*). He then laments the backsliding, and concludes by appealing for men and money.

The last passage is interesting as it shows how little we can trust the views on the trend of the political or religious movements of the time presented by an interested partisan. Thomson, who probably lived abroad, may have been deceived

by false rumours of such a Counter-Reformation as he has hinted at, or the wish may have been father to the thought. The only event of the year 1594 which could be hailed as in any way indicating a Roman Catholic reaction was the intrigue known as the 'Spanish Blanks.'[1] But although Huntly defeated Argyle at Glenlivat in 1594, nothing came of this success, and he and Errol soon after joined the Presbyterian Church. And while we hear nothing of any notable Roman Catholic revival at that time, we know that after the panic caused by the Spanish Armada there was a sudden and almost universal move in the opposite direction, and that the Protestant religion was finally established in the kingdom.

For the benefit of those who wish to refer to the original Latin, it is necessary to point out that there are several divergences between the texts, the most important of which are as follows:—

1. The most difficult passage is that quoted from Prosper of Aquitaine, *infra*, p. 53.

(*a*) The Douai and Roman editions read as follows: 'Ante illum [*sc.* Bede] Prosper Aquitanicus qui Caelestini aetate vixit, in libro contra Collatorem sub finem, "Ordinato" inquit "a Caelestino Palladio Scotis episcopo dum Romanam insulam studet servare Catholicam, fecit barbaram Christianam."' There is no subject to the verb *fecit*, and we must understand *Palladius* or *Caelestinus*.

(*b*) Possevin omits the words *barbaram Christianam*, and as he places a comma after *Catholicam*, he gives *fecit* neither a subject nor an object. In the margin he places this observation: 'Caelestinus Scotiam fecit Catholicam *per Palladium*,' which clearly shows that Possevin understands *Caelestinus*.

(*c*) The text of Prosper itself (c.xxi) reads: 'Nec vero

[1] See Dr. Hume Brown's *History*, ii. 208-217.

[Caelestinus] segniore cura ab hoc eodem morbo Britannos liberavit, quando quosdam inimicos gratiae solum suae originis occupantes etiam ab illo secreto exclusit Oceani et ordinato Scotis episcopo [in margin, '*scilicet* Palladio'] dum Romanam insulam studet servare Catholicam fecit barbaram Christianam.' According to this version it was Celestine who converted a heathen country. For this to harmonise with the next sentence but one—'Palladius was not only sent,' etc.—we must understand that Celestine did not actually go over and convert the Orkneys but did it *per Palladium*, as Possevin takes it.

2. After the quotation from Bede, ii. 19 (*infra*, p. 53), the Douai edition reads '. . . non totam eorum gentem, sed quosdam ex iis hac fuisse implicitos, haec Beda, qui etiam pauci,' etc. Possevin has a full stop after *implicitos*, and continues:—'Haec Beda. Quin etiam pauci,' etc.

There are other differences between the text of Possevin and the Douai and Roman editions, but they are of no importance.

HENRY D. G. LAW.

THE ANTIQUITY OF THE CHRISTIAN RELIGION AMONG THE SCOTS

THE island of Britain is divided into Scotland and England, although besides Scotland there were subject to the king of that country the Hebrides, in number forty-three, and the Orkneys, in number thirty-one, some of which are thirty, others twenty-four Italian miles in length.

The Emperor Severus divided from Scotland by a rampart, traces of which remain to this day, that part of Britain which was under the sway of the Roman Empire. Afterwards, however, the Scots added to their kingdom the land which lies between Severus' wall and the river Tweed, with the result that the Tweed now separates Scotland from England. Although the Britons are cut off from the rest of the world, and the Scots occupy the extreme part of the island, they were nevertheless favoured by a divine Providence which enabled them to receive, among the first peoples in Europe, the Christian religion, which they preserved for a very long time, even up to our own day. From the annals of the Scots, and the uninterrupted tradition of our ancestors, we learn that in the year of our Lord 403, under the Pontificate of Victor, Donald, King of Scotland, with the whole of his kingdom, received the Christian religion. To this fact Tertullian bears clear testimony in his book against the Jews. 'That portion of the island of Britain,' are his words, 'which has been unapproached by Romans, has, of a truth, been subdued by Christ.' With his wide knowledge of the history of the Roman people, he could not be unaware of what was at that time known to the whole world, that one part of Britain had been brought under the sway of the Roman Empire both by Julius Cæsar and by the Emperor Claudius, especially since, as Josephus tells us in chapter xvi. of the second book of the *Jewish War*, the Romans kept four

legions always stationed in the island of Britain lest the people should rise in rebellion. Whence it is evident that Tertullian meant that part of Britain which is now called Scotland, into which Roman troops had not yet entered. Chrysostom, in his sermon on the Pentecost, crediting the common rumour that the Scots used to feed on human flesh, says: 'The Britons who at one time were wont to feed on the flesh of human beings, now refresh their souls with fastings'; and in the Homily, *Quod Deus sit Homo*, he says that churches have been built and altars erected among them. What Jerome writes to Marcella[1] also bears upon the subject. He says: 'Whenever they advance in religion, the Britons leave the West, and make for a spot only known to them by report and from the Scriptures.'

No man with even a slight knowledge of the writings of the ancients can be ignorant that the Britons were ranked among those nations which professed the Christian religion, and that, too, not without distinction. Among the Britons, the Scots, in the opinion of the historians, are the most ancient. Of this fact, the Venerable Peter[2] is a most important witness, Book III., 17th Epistle, where he enumerates the various origins of the churches. While in that portion of Britain which was under the Roman Empire the religion changed at different times, in Scotland, as is clear from the most authentic historical documents, there has been no change to this day, the Scots having steadfastly clung to the faith and religion they had once accepted. In the days of Diocletian a severe persecution arose in that part of the island which was under Rome, and Alban, a soldier, received a martyr's crown. Fortunatus mentions him in his *Laus Virginum*:—

'Britain prolific and fruitful gave birth to the noble Albanus.'[3]

The persecution did not, however, reach Scotland. The same

[1] In a letter written by Jerome from Bethlehem in 328 A.D. for Paula Eustochium.

[2] Petrus Cluniacensis, died 1157. See Migne, *Patrol.*, vol. 189, p. 326, where Peter says 'in eadem Britanniæ insula . . . Scoti Christiani scilicet antiquiores.' In the original the reference is erroneously given as Book VIII. epistle 16.

[3] Egregium Albanum faecunda Britannia profert.

part of the island was afterwards infected by the Arian heresy. Among other authorities is Bede, chapter viii., Book I. of his history: 'From this affliction, too, the Scots were saved by divine favour, and there is no historical evidence that the infection of the Arian heresy spread over Scotland.' The Arians were followed by the Pelagians, a sect that seemed more formidable, as Pelagius, the founder of the heresy, had been born in that same island. On that account he was named by Chrysostom 'the plague from over the sea,'[1] and by Prosper, in his *Carmen de Ingratis* 'the British-speaking snake.'[2] However, by the care and zeal of the Apostolic Chair, the Scots were promised that they should not be tainted by the Pelagian heresy. For like Germanus, Bishop of Auxerre, and Lupus of Troyes, who had set out from Gaul to Britain to repress by their doctrine and miracles the growth of heresy in that island, St. Palladius was sent to Scotland by Pope Celestine, who at that time filled St. Peter's Chair, to protect it from the Pelagian heresy. 'Palladius was sent into Scotland,' says Bede (i. 13), 'to the Scots, who believed in Christ.' Before him, Prosper of Aquitaine, who lived in the days of Celestine, says, towards the end of his book *Contra Collatorem*, that by means of Palladius whom he had ordained bishop of the Scots, Celestine converted a heathen country to Christianity while striving to keep a Roman province Catholic. For Britain was called a Roman province, though the whole of it had not been brought under the Roman Empire. Palladius then not only protected that part of Britain, to which he was sent, from the Pelagian heresy, but even converted the Orkneys,—islands which, as we see from the annals of Scotland, were at that time heathen and uncivilised. In the Mearns, a district in Scotland, where his remains had been interred with great pomp and devotion, the memory of St. Palladius was preserved up to the present day.

About this time the Christian religion had to face a serious danger, brought on by the wars which were continually waging between the Romanised Britons and the Scots. The Britons, being hard pressed by the Scots, sent a letter of supplication to Rome, asking for help in these

[1] *Transmarinam pestem.* [2] *Colubrum sermone Britannum.*

words (Bede, i. 13): '*In the third consulship of Aetius. The Groans of the Britons.* The Barbarians drive us to the sea, the sea drives us back to the barbarians. We must choose between two kinds of death: either we must be drowned or butchered.' Theodosius the Younger, the Emperor in the twentieth year of whose reign this letter was written, sent them no help, and they, unwilling to leave a stone unturned, heaped misfortune after misfortune upon themselves. They flew for help to the Saxons of Germany, worshippers of false gods, who received them well. But this step proved fatal to the Britons themselves. For the Saxons set out, more powerful and more numerous than their enemy, and having driven the Britons from a large portion of their possessions, seized that part of the island which had formerly been inhabited by them. Moreover, from their own leader or race they gave the island the name of England, by which it was known from that time, and the people that of Angles or Anglo-Saxons. Another result of the invasion was that the Angles, hitherto Pagans, brought Paganism into a large part of the island. This happened at the beginning of the reign of the Emperor Marcian. But no less than before, when they fought with the Saxons that they might keep their dominion safe and intact from their inroads, the Scots now, when they were confirmed in the Christian faith, did not easily suffer any novelty to be introduced into the island on the arrival of the Saxons. On the contrary, when St. Augustine had been sent to the Anglo-Saxons by Gregory the Great, that he might imbue that heathenish people with Christianity, the Scots also extended diligent help in civilising the same people. Bede bears witness to this (iv. 3): 'King Oswald sent to the elders of the Scots a man by means of whose ministry the English people which he ruled might both learn the gifts and receive the Sacrament of the Christian faith. Aedan, the priest, a man of the greatest gentleness and piety, was certainly sent.' And a little later: 'the children of the English, with their mothers, were instructed by Scottish teachers in the study and observance of a regular doctrine.'

It is also true that some Scottish bishops resisted Augustine, the English bishop, in some rites, because they thought

that they were not part of the Roman ritual, but were innovations of St. Augustine. Even up to the present time, they had retained the old Asiatic usage, so that according to the old Jewish custom they only celebrated the Passover on the fourteenth moon. Hence Bede (ii. 19): 'Pope Honorius sent a letter to the Scots, who, he had learnt, were wrong in their observance of the sacred Pasch, exhorting them not to judge that they with their small numbers, situated as they were in the extreme border of the earth, were wiser than the ancient or modern Christian Churches throughout the inhabited world. He also implored them not to celebrate another Pasch contrary to the Paschal computations and the synodical decrees of the Pontiffs of the whole world.' This custom of theirs was new and had few followers, as is clear from a letter of the clergy to the Roman Church. 'The letter,' they write, 'which they brought by messengers as an answer to Pope Severinus of holy memory, who had died, kept silence on those points where an answer had been desired. Fearing lest this great question might remain unsolved, we opened the letter and discovered that certain men of your province were trying in opposition to the orthodox faith to revive a new in place of the old heresy, opposing, in their dulness and blindness of intellect, our Pasch at which Christ was sacrificed, and endeavouring to celebrate it on the fourteenth moon with the Hebrews.'

'At the beginning of this letter,' says Bede (ii. 19), 'it is most clearly announced that this heresy had at that time only recently sprung up, and that not the whole people but only some of them had been involved.' Nay, even of these, a few after the warning of the Church abandoned their mistake in great dejection of spirit.

At this time too the seeds of the Pelagian heresy, which had been lying hid in the minds of some men, began to spring up, as we see from the same letter: 'This too we have learnt, that the poison of the Pelagian heresy is reviving among you; we exhort you to remove from your hearts all trace of such a venomous cause of superstition'; and a little further on: 'We pray that the ashes of those whose weapons have been burnt be not revived.' As before the Pelagian heresy

could not fix any roots in that kingdom, so now too when it was rising up again, its remains were soon stamped out by the authority of the Church.

Henceforward, till 1400, we hear of Scotland being attacked by no other heresy. But at that time Wycliffe the Englishman sent Paul Craw to scatter the poison of his own heresy in Scotland. Having entered upon his task with great zeal in the University of St. Andrews, he was caught when the venom began to show itself, and refusing to yield to the authority of the elders and the testimony of the Scriptures, paid the just penalty of his impiety by being burnt alive. It was not, however, enough for the Scots that they should preserve their religion intact at home. Little content with their own narrow bounds they propagated it among foreign nations with the greatest zeal. An authority for this is St. Mansuetus, first Bishop of Tulle, who was a Scot, as is certain from the oldest records of the church of Tulle. Another witness is St. Kilian, Bishop of Würtzburg, whom Bede in the Martyrology declares to have set out to Germany with his friends on the 8th of July from some Scottish island, to have preached the Christian faith at the river Main, and to have received a martyr's crown. It is plainly in memory of this bishop that a very large monastery was founded at Würtzburg for the use of the Scottish nation. To this fact St. Boniface bears witness. He was the first Bishop of Mayence, and he shed on Frisia and other German peoples the light of the Christian faith. Marianus Scotus, at the end of his second book, refers to a letter of Gregory the Third which he affirms was written to Boniface the Scot, Bishop of Mayence. Trithemius also, while discussing the ecclesiastical writers, says that he too was a Scot; and to this day in Ross-shire, a county of Scotland, there exists a town 'Rosmarky,' where there is a tradition, accepted unanimously by the elders of that people, that St. Boniface was born there. To his memory also were dedicated both the cathedral in Ross-shire and many other monuments in that county which exist to this day. But because he taught for some period of his monastic life in England, he was commonly thought to be English.

We have another witness in St. Romuald who received a martyr's crown for the Christian faith. He is worshipped at Mechlin on the first of July, and as Molanus says in his *Indiculum Flandriae*, is looked upon as the apostle of Mechlin. Another is St. Colman with his colleagues, who after having traversed nearly the whole of Germany for the sake of preaching the Gospel, won too the glory of a martyr's death. His and his fellow-workers' triumph has been beautifully described by John Stabius, who lived under Maximilian I., in Sapphic verse. Yet another witness is St. Patrick, born in Scotland, near the city of Glasgow, whose help Irish infants at their mother's breast were seen to implore. He was sent by Celestine to Ireland, as Bede tells us, to procure the safety of that people. We need not enumerate more as the Martyrology is full of them.

The extent to which this zeal for monastic and religious life flourished among the Scots is testified by the numerous and handsome monasteries erected by them, in which lived so many men renowned for their holiness and learning, that not only at home but even in foreign lands they left conspicuous examples of a more earnest life. To this fact we have at least one witness in St. Columba, who is called an Irish Scot by Bede, Marianus Scotus, and others, because of his being born in a mountainous district of Scotland. He built most magnificent monasteries in Gaul, Germany, and Italy. At Luxembourg, in Burgundy, under King Theodoric, he founded a very famous monastery the number of monks in which was such that as some always succeeded others the singing of the praises of God was kept up continually. The place itself was for this reason commonly known for a long time as 'the unceasing praise.'[1] In the Apennine mountains too, after he had come from Burgundy to Italy, he founded a monastery at Bobbio. St. Gall his disciple, also a Scot, built a monastery among the Helvetii. Many others of the same kind can be mentioned. But they were all like each other. Exactly similar were the fourteen very rich monasteries which were founded in Germany to please the Scots, in which members of that race alone could be chosen as the clergy. Before that

[1] *Laus perennis.*

time this happily fell to the lot of each of the two nations, both Germans and Scots, although now the Scots were in sole possession of the monastery at Ratisbon, which was presided over by the venerable Dr. John White, a man most worthy of his high position. This fact plainly shows off to the greatest advantage the old piety of the Scots. Because of it they were held in such great honour even abroad that these beautiful and magnificent monasteries were built for them. To this piety too, Galfridus, in his treatise on ecclesiastical matters, bears eloquent testimony when he says: 'While the whole Church preserves the custom of kneeling, the Scottish nation lays the greatest stress of all on this duty—a nation whose members seem to observe the practice by bending the knee, some to a greater and some to a less extent than others, on certain and fixed occasions by day and night; not only with the purpose of lamenting their sins but in the exercise of their daily devotions.' Such is his testimony. This ancient piety of the Scots is sufficiently indicated by the magnificence of the temples in Scotland itself, and the splendour of their equipment, which is such that it seems almost incredible that so small a kingdom could have possessed buildings so numerous, so illustrious, and so well equipped. That they did exist, however, can be proved by many witnesses who saw them with their own eyes; and those who did not see them can easily guess from the ruins what must have been the grandeur of the buildings. So high too was the social position of the clergy that bishops and abbots were the objects of admiration both in that kingdom and also, owing to the sumptuousness of their households and the number of their attendants, among foreigners who visited Scotland. At the same time such a spirit of charity and hospitality flourished in the monasteries that all without distinction turned to them. Such good order and method prevailed in everything that henceforth not only the nobles but even the kings of Scotland were entertained without any hindrance to religious study. So liberally too were the Religious Mendicants assisted by the alms of the people that they were little called away from divine worship, and even could lighten the poverty of many by their own riches. It

was considered disgraceful for a man to forsake his religion when he had once accepted it; so much so indeed that no one in the kingdom dared to stand forth as an apostate. Reduced as they are to an extreme corner of the earth they have not, however, been overlooked by a divine Providence, for they are both possessed of bodily strength, and they would be fit for any mental exercise were they to practise and cultivate their powers.

Among their numbers were counted men eminent for the fame of their learning, records of which some of them have left to posterity. One witness is Sedulius, who lived in the time of the Emperor Theodosius, a man most learned in the classics and in the Scriptures. Another is Alcuin, founder of a religious school at Paris, the merit of whose writings falls little short of that of the old classics. Others are Marianus Scotus, a famous historian, and Richard of St. Victor, whose epitaph, carved with brass letters at the entrance to the Abbey of St. Victor at Paris, still exists:—

> 'His bones, whom Scotland at a happy birth
> Brought forth, now lie immured in Gallic earth.'[1]

We have another witness in John Duns who, on account of his sharp wit, won the name of 'the subtle Scot'; and another in Francis of Maro,[2] who edited with a most learned commentary the *Master of the Sentences*; and yet another, of the present day, in John Major, who has left, besides the *Commentaries on the Master of the Sentences*, many other memorials of his genius. From the works of Trithemius and those who compiled the Catalogue of British writers, we might single out many more.

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[1] Tellus quem genuit faelici Scotia partu
Nunc tegit in gremio Gallica terra suo.

[2] **Franciscus Maronis.** There is no good ground for including Franciscus Maronis, or Myronis, in a list of Scottish writers. Mackenzie indeed mentions him, following Dempster; but, as we have seen, Dempster is not always reliable, and he mentions no authority. He says: 'Franciscus Myronis Franciscanae familiae socius discipulus Scoti famam eius paene consecutus.' Franciscus was born at Mairone, Basses-Alpes (compare Jöcher, *Lexicon* and the *Dictionnaire de Biographie universelle*, *s. v.* MAIRONI), is said to have been a devoted disciple of Duns Scotus, and was frequently referred to as 'Scotista.' This may have been the origin of the mistake.

The Catholic religion, which was flourishing in Scotland, was not supported, however, solely by scholars, but counted among its adherents men of a physical courage which brought them fame at home and abroad for their military glory. This is amply proved by the many wars waged at home against the Britons, Angles, Danes, and Picts. Of the splendid proof of their valour that they gave in Germany when they fought on the side of Charlemagne, with whom a treaty had been drawn up, and afterwards many times in Gaul and in Italy with Charles VIII. and Lewis XII., and also in Palestine itself, we learn from the annals of many nations. But this is less surprising since the bravery of the race in former days was so conspicuous that Hegesippus[1] did not hesitate to include it among other merits of the Romans, that even Scotland feared them. 'Why should I add,' he says—chapter XV., Book V. of his *History of the Downfall of Jerusalem*—'why should I add the British Islands, divided and cut off from the whole world by the sea which flows between them and the continent, and brought back to the world of nations by the Romans? The Romans are feared by the Saxons unassailable in their marshes and hedged in by a tractless country; they are feared by the Scots who owe nothing to any nation.'

But since they severed themselves from obedience to the Apostolic Chair, they not only appear to have degenerated from their former worth, but those who before were famous and known to the world are now in truth, or seem to be, obscure. All who consider the former condition of the kingdom, and the greatness of the people when the Catholic religion flourished among them, are moved with surprise that in so short a space of time the kingdom could have so sadly degenerated. For although from about the year 1540 some seeds of heresy were sown in the kingdom secretly, and

[1] Not the Hegesippus, the fragments of whose five commentaries are incorporated in Eusebius' *Ecclesiastical History*. The author of this history of the fall of Jerusalem, which, in the words of Dupin, is 'a kind of imperfect epitome' of Josephus' *History*, is unknown, as is also the date of the book. From references to Constantinople, however, we gather that it was later than the third century A.D. For further information see vol. i. p. 57 of Dupin's *History of Ecclesiastical Writers*.

gradually too sprouted forth in the minds of many men, still before 1560 open defection had not broken out. From that time the kingdom was so on fire with civil wars, was so polluted with massacre and bloodshed, that nought else seemed to exist but a perpetual shambles. But God, who is not wont to check His wrath till it reaches its limit, has now after several years opened many men's eyes, and theirs, too, who enjoy almost the chief authority in the kingdom. They now see what a happy condition of affairs they have left, into how deep a whirlpool of misfortune they have plunged themselves. Sick of their former rashness and folly, they daily return in all humbleness to the bosom of the Catholic Church, from which, in the madness of their impiety, they cut themselves adrift; so that in a short time the Catholic religion has been greatly increased by the numerous additions.

But it is a matter worthy of the greatest grief, that when there is so plenteous a harvest to be stored in God's granary the labourers are so few. For although a seminary was built by Gregory XIII. of blessed memory at Pont-à-Mousson[1] in Lorraine for the Scottish nation, and moved by Clement VIII., now in possession of Peter's Chair, by reason of his anxiety over the war which is disturbing Lorraine, to Douai in Flanders, yet such scanty numbers does it contain that it is not adequate for educating all the promising young men who daily flock abroad in the hope that being perfected in devotion and literature they may help on the welfare of their country. Unless they are assisted by the liberality and generosity of the pious, the propagation of God's name and the welfare of souls in the kingdom of Scotland will be much retarded. But great hope shines on us all. Christ our Lord has planted in Clement VIII., His Vicar, such a mind that in the midst of so many heavy cares, amid his anxiety for all the churches, he commended, from the bowels of his fatherly compassion, this seminary of the Scots for the alms of all

[1] This Scots seminary was founded under the patronage of Gregory XIII. by Dr. James Cheyne, Canon of Tournai, in 1576, and placed under the presidency of Father Edmund Hay, S.J. Some information about the Scots at Pont-à-Mousson may be found in Abram's *L'Université de Pont-à-Mousson*.—T. G. L.

pious men. It may be that Christ will inspire the Scots too with the will to open the fountains of their liberality, and never to suffer so noble a work, and one which tends so greatly to the furtherance of the glory of God and the eternal welfare of men's souls, to be hindered in any way by the want of a needy household.

Their liberality God will repay with eternal happiness. If, as we hope, that kingdom at length emerges some day from its wretched servitude to heresy, it will preserve through all ages the memory of so glorious a benefit.

FINIS

THE APOLOGY FOR
WILLIAM MAITLAND
OF LETHINGTON

1610

Edited by

ANDREW LANG

INTRODUCTION

CONCERNING James Maitland, the only son and apologist of the famous secretary, William Maitland of Lethington, I know very little. This apology is of 1610, and James was probably still working at it, in 1620, when he wrote a courteous and well-expressed letter to Camden, the historian. Camden had written that Lethington, in October 1568, at York, told the Duke of Norfolk that he had often counterfeited Queen Mary's handwriting. James Maitland asked Camden for his authority for the statement, and we do not know that the historian replied. I suppose that Lethington, when trying to convince Norfolk that the Casket Letters might be forged, may have said that he, in sport, had imitated Mary's hand, as secretaries occasionally do, and that others might have been as successful with evil intent.[1]

James Maitland, the eldest child of the marriage of Lethington and Mary Fleming (1567), was born as early as 1567-68. In 1573, he was but five years old and some odd months. Before his death, in 1573, Lethington had been forfeited by the king's party, during the cruel 'Douglas wars'; 'our livings and lands were all disponed to others,' says his son.

The following extracts appear to prove that James Maitland was reinstated in certain of the family possessions, and that, in exile, he sold them to various purchasers. Why he was exiled he declares, in a document later to be given, that he does not know, but probably his Catholic belief and

[1] Camden, *Annals*, 143-145; Malcolm Laing, *History of Scotland*, i. 226, 1804, cf. my *Mystery of Mary Stuart*, pp. 327, 328.

Spanish tendencies may have been the reason. He certainly passed the later part of his life in poverty and banishment. In 1592, at the age of about twenty-five, he had already married Agnes Maxwell, daughter of Lord Herries. On the whole, after his infancy, he probably had sufficient livelihood, and obviously received a competent education. Here I cite the extracts as to James's lands, and his dealings with them.

Acts of the Privy Council of Scotland, Register, vol. iv. p. 632 *et seq.*

A.D. 1583 Holy Rood House 19 Feb.

The king, feeling himself 'enormlie hurt' in his own profit and rents, by the various alienations of lands, rents, revenues, etc., pertaining to William Maitland, sometimes secretary, James Maitland his son, 'quhairby we and our croun mycht have been greitlie enriched, and yit appertening to Sir Richard Maitland of Lethington, knyght,' and being grieved in conscience for the trouble sustained by the said Richard, and being moved in conscience 'be the miserable estate of the innocent orphelinges, the said Williames bairnis,' as he has already revoked generally in Parliament, revokes more expressly by the advice of his Council, all dispositions made, and infeftments following thereupon of the lands belonging to Sir Richard, to the late Secretary Maitland or Dame Marie Fleming, his spouse, or to James Maitland, their son, held of the Abbeys of Haddington, Melros or Dryburgh, or of any other superior.

[*Register of the Great Seal of Scotland*, vol. 1580-1593, p. 205. No. 674.

Holyrood House 19 Feb. 1583.

The king considering the forfeiture of Wm. Maitland of Lethington took place in a Parliament held by a few of the nobility, in his minority when the country was divided into two factions—'voluit quod dicta pretensa forisfactura minime esset prejudicialis Marie Flemyng sponse dicti Wil., nec Jacobo Maitland eorum filio seniori aliisque legitimis prolibus dicti Wil. (qui proles infantes fuerant turbationum tempore) et eos rehabilitavit.]

Register of the Great Seal, vol. 1580-1593. No. 1516.

A.D. 1588 April 8 Holyrood.

The king confirms to John Maitland of Thirlstane and Jeanne Flemyng, his wife, property in Hadington, Coldingham, and

Melrose with provisoes for the redemption of the lands by James Maitland, son of William Maitland, the secretary.

Register of the Great Seal, vol. 1580-1593. No. 1519.

Confirmation of charter of James Maitland, son and heir of W. Maitland, sometime the king's secretary, granting the land and manor (*villa*) of Darink to Richard Cockburne. Holyrood 8 April, 1588.

Ibid. No. 1520.

Confirmation of charter of the same to Master John Arthur and others of the demesne lands of the monastery of Hadington.

Ibid. No. 2198.

Apud Edinburgh, 14 Nov.

A.D. 1592. Rex confirmavit cartam Jacobi Maitland, filii et heredis quondam Willelmi M. junioris de Lethingtoun, secretarii regis; qua concessit AGNETI MAXWELL conjugi sue, in vitali redditu,—terras suas de Stevinstoun, cum fortalicio, molendino, piscariis super aquam de Tyne, mora *lie mure* earundem, tertiam partem terrarum et baronie de Boltoun, cum integra manerie et fortalicio et tertia parte molendini ejusdem, aliam tertiam partem dict. terrarum et baronie (viz. terrarum dominicalium de B., maneriei, fortalicii et molendini earundem, terrarum de Over B., Pilmure, Pleuland, Inglisfeild, *lie* Buchtknow, Braidwoidsyd, Ewinstoun, *lie* Merkland, et Hayfurd) in constab. de Hadingtoun, vic. de Edinburgh: —Reddend. regi pro Stevinstoun unum den: albe firme; pro Boltoun jura et servitia debita et consueta: cum precepto sasine directo Davidi Robesone: *Test.* M. Jac. Makcartnay medico, And. Kneland, Jac-Justice, notariis publicis. Jo. Lorymer servitore dicti Jac-Maitland: *Apud* Edinburgh, 28th Sept. 1592.

Ibid. vol. 1593-1608. No. 1741.

Edinburgh, 28 May 1606.

The king demises in fee farm to James Maitland of Lethingtoun, his heirs and assigns, the lands of Snadoun in the bailiwick of Lauderdale, formerly belonging to the monastery of Dryburgh. Rent 4 marks of ancient feefarm, and 3s. 4d. of increase.

Ibid. No. 1976.

Edinburgh, 25 September 1607.

Grant of the whole barony of Boltoun with the manor and fortalice to James M. of Lethingtoun, Lord Home and Ker of Fawdonside having renounced two parts of the barony.

Register of the Great Seal, vol. 1593-1608. No. 1994.

Edinburgh, 26 Nov. 1607.

Confirmation of charter of James Maitland of Ledingtoun, granting lands to James Ainslie in Darink. Edinburgh, 27 June 1607.

Ibid. No. 2100.

Edinburgh, 8 June 1608.

Confirmation of exchange of James Maitland of Lethingtoun with Geo. Ker of Fawdounsyde of land of Stevinstoun for a third of the barony of Boltoun. Edinburgh, 6 June 1607.

Ibid. No. 2124.

Edinburgh, 5 July 1608.

Confirmation of Charter of James Maitland of Lethingtoun granting to John and Mary Cranstoun the manor (*villa*) and lands of Braidwodsyde and Buchtknow in his barony of Boltoun. Edinburgh, 4 July 1608.

Ibid. vol. 1609-1620. No. 100.

Edinburgh, 29 June 1609.

The king confirms and renews to James Maitland of Lethington the feefarm of the lands of Baigbie, in the constab. of Hadingtoun which the same James has resigned.

State Papers Domestic, James I., vol. lxxiv. No. 35.
(Cal. 1611-1618, p. 193).

1613, July 17 Brussels. *Jas. Maitland to* [*Vic. Rochester*].—Solicits permission to sue in the Scottish Courts for revocation of the attainder passed upon his father [William Maitland of Lethington] for services to the King's mother, in spite of the Act of 1584 against such suits.[1] Arguments in favour thereof. Wishes the revocation to be in Parliament, the lands being elsewhere bestowed. Applies to his Lordship because their fathers were friends, and involved in the same cause and overthrow. Has lately seen at Rheims, Mary Seaton, who served the king's mother from her infancy to the last: she is old and decrepid; and depends on the charity of

[1] *Acts of Parl. of Scot.*, iii. 297.

Mdme. de Spier, the Duke of Guise's sister. Solicits an annuity for her.

Register of the Great Seal of Scotland, 1609-1620. No. 897.

Edinburgh, 28 July, 1613.

Rex,—cum consensu &c.—confirmavit cartam Jacobi Maitland filii et heredis quondam Willelmi M. secretarii Marie Scotorum regine, [qua,—pro perimpletione contractus de data apud Antuerpiam et Edinburgh, 15 Maii et 3 Jun. 1613, in libris concilii registrari continentis,—ad feudifirmam dimisit Joanni Domino Thirlstane, et Domine Issobelle Seytoun ejus sponse,—terras et baroniam de Boltoun, cum manerie, fortalicio, molendino, terris molendinariis, tenentibus &c., comprehenden. terras dominicales de B. cum manerie, fortalicio, molendinis &c., terras de Hayfuird *alias* Brigend, Walkerland, Egliscarno Ovir Boltoun, Inglisfeild, Buchlknow, Braidwodsyde, Markland, Wodheid, Plewland, Euringstoun, Pilmuir, in constab. de Hadington, vic. de Edinburgh: Tenend. dictis Jo. et Is. in conjuncta infeodatione et heredibus masc. inter eos legit. procreatis. quibus deficientibus, heredibus masculis dicti Jo. cognomen et arma de Maitland gerentibus de corpore quondam Richardi M. de Lethingtoun militis, avi dicti Jac., linealiter et legitime descendentibus, quibus def., heredibus masc. dicti Jo., cognomen et arma de Maitland gerentibus, et assignatis quibuscunque, absque reversione, de dicto Jac.: Reddend. 30 libras necnon duplicando feudifirmam in introitu heredum:—cum precepto sasine. Test. Tho. Walls mercatore in Antuerpia, Wil. Rae mercatore burgensi Edinburgen, capitano Pat. Hammiltoun, Hectore Foird in Toftis, Jacobo Ewin servitore dicti Willelmi Rae mercatoris: carta scripta per M. Joannem Paip scribam signeto regio:—Apud Antuerpiam, 15 Mai 1613].

Ibid. No. 1431.

Edinburgh, 27 April 1616.

The King confirms (1) a charter of James Maitland, son and heir of Wm. Maitland, secretary of Queen Mary, granting to John Lord Thirlestane and Dame Issobelle Seytoune, the barony of Boultoun, including (as in 897) and lands of Ladypark, in the bailiwick of Lauderdaill: (2) a charter of the same to the same granting the lands of Baigbie with the mansion. Both dated Antwerp, 15 May 1613.

Register of the Great Seal of Scotland, vol. 1620-1633. No. 240.
Edinburgh, 29 Nov. 1621.

Confirmation to William Dowglas of Toftis, son and heir of Archibald Dowglas of Toftis, a charter of James Maitland of Lethington, dated Edinburgh, 10 June 1606, of sale to the said Archibald and his heirs of the lands of Over and Nether Toftis.

Ibid. No. 603.
Edinburgh, 16 March 1624.

Confirmation to James Douglas, assignee of Richard Douglas of deed of mortgage of lands in Garvald, in constab. of Hadingtoun, sold to Richard Douglas for 6000 lib., and redeemable for 6000 lib. upon warning of forty days, by James Maitland of Lythingtoun. Dated Brussels, 6 Nov. 1613.

Hist. MSS. Commiss. Rept. on the MSS. of the Earl of Home, p. 106. No. 48.

Contract between Alexr., Earl of Home, and Sir Wm. Cockburn of Langton, in which the former agrees to assign to the latter a charter granted under reversion of 10,000 lib. Scots, by James Maitland of Lethington, to Earl Home of the lands of Simprin. a°. 1616.

From these extracts it seems that James was driven abroad in 1612-1613, and that he then parted with his landed property. He gives us perhaps our last glimpse of the most loyal of the Queen's Maries, Mary Seaton, his mother's friend, in 1613 'old and decrepid,' and a pensioner of Madame de Spier, at Rheims.

As to the details of James's life before his exile, the information accessible to me is of the scantiest. On April 13, 1589, we find him writing to Archibald Douglas from Dieppe. The varied and versatile treacheries of Archie are familiar to every student: he was associated with nobody—Mary, Morton, Lethington—whom he did not betray. He had been, like Lethington, deep in Darnley's murder; he had served at the same time Morton and the Castilians, and had been alternately faithless to both. Mary he had betrayed to the death, and, in 1584 he was a kind of unofficial agent of King James in

London, a pensioner of Elizabeth, and a tool of Cecil. James Maitland was ill at Dieppe, in April and May 1589: he could gather but little intelligence: he meant to visit Archibald Douglas in London, and asked for a passport. In a letter of Richard Douglas to Archibald Douglas (May 16, 1589) he thanks Archie 'for what he had done for James Maitland'; apparently by a loan of money. 'I am assured the gentleman will be thankful as far as he may.'[1]

These Douglases were ill companions for a young man. Marrying Lord Herries's daughter, Agnes, in 1592, James appears as a Catholic, and a favourer of the Spanish faction, in 1593.

Papers in the Archives of Simancas, vol. iv., *Elizabeth*, p. 604.

No. 617.

A.D. 1593 July.

Document headed 'Statement of what happened in Scotland in the month of December last year, 1592, in consequence of the embassy which the Catholic lords of that country wished to send to his Majesty.'

[Describing the chief Catholics.] 'In this part of the country [the southern part] there are many barons and gentlemen who are good Catholics. There are Lords Hume, etc. Of gentlemen there are Ladyland, Lethington, Johnston, Eldersley, the three brothers of Lord Seton, and many others of the same sort.' . . .

The following letter of 1596 shows James engaged in a mission from the Scottish Catholics to Italy. 'Sicill' is John Cecil, the well-known English priest and double spy, an agent of his famous namesakes, William and Robert Cecil.

Thos. MacCrie, D.D. Life of Andrew Melville.

Vol. ii. Appendix vi. [Orig. in Bibl. Jurid. Edin. M. 6-9. No. 34.]

Letter from Mr. D. Andersone to certain Ministers in Scotland, respecting Scotch Papists in Germany.

Auspurgh in high Almanie, 27 April 1596.

[After giving details on the establishment of various seminaries for Scotch Papists in diverse foreign abbeys he writes:—]

The lard of Lethington called Metalen, departed from the

[1] *Hatfield Calendar*, iii. 406, 412; iv. 410.

Earles at Lieds, about the 20 of August 1595, towards Rome, in all his journey he had long and serious conferences with the Jesuits; Gordon and Crichton, Scots Jesuits, and one called Holt, an English Jesuit, gave him letters of recommendation to all those places, as also a direction to receave of the Jesuits at everie neede three hundreth crownes for the better expedition of his affaires; what letters he had to the pope, college of cardinals, Spanish Ambassadour at Rome, either from enemies at home or abroad I know not: your wisdomes may judge that his going so long and tedious a journey was not for small trifles. Whiles he remayned in Scotland in the Lord Herise, his father in laws house, he had great intelligence with many popish priests, both English and Scottish, but namely with one Sicill, an English priest that lurketh most commonly in the Lord Herises house, or in the borders not farr from thence: they use commonlie the help of a poor craftie knave, etc. . . .

In 1599 Lethington is at home and in trouble.

Register of the Privy Council, vol. v. p. 748.

A.D. 1599 Holyrood House 29 April.

His Majesty, for the better obedience of the landlords underwritten, ordains letters to be directed charging Patrik, Lord Gray, Sheriff of Forfar (and others mentioned), and James Maitland of Lethingtoun, to come and find caution that they, and those that they are obliged to answer for, shall observe the King's peace and redress parties skaithed, under the pains following:—viz. Lords Gray and Hume in 2000 merks each, and each of the others in 5000 merks. They are required to find the said caution within fifteen days after the charge, under pain of rebellion.

The next extracts contain all that we know of James up to 1607.

Register of the Privy Council, vol. vi. p. 818.

A.D. 1604 Edinburgh 9 March.

Mr. Christopher Cockburne and several other persons to answer upon the 15th instant to a complaint made against them by Issobell Trotter, in Abbaymaynis of Haddington, and others mentioned, including James Maitland, touching certain points of oppression committed upon them.

Register, vol. vii. p. 117 [Recovered Fragments of Act, A.D. 1605-6.]

James Maitland of Lethington, with Alexr. Guthrie of Kincaldrum, George Affleck of Balmain, cautioner that Sir John

Wisehart of Pittario, and John, his eldest son and heir, shall not invade Sir David Lindsay of Edzell, and after his relief out of ward shall keep waird in Dundee or three miles thereabouts, and subscribe a submission, or re-enter prisoner in Blacknes, under pain of 20,000 lib.

Register, vol. vii. p. 662.

Bond of Mr. Richard Dowglas of Brockhoillis, for James Maitland of Lethington, in 1000 pounds, not to harm James Lamb, minister at Boltoun. Subscribed at Hadingtoun and Edinburgh, 30th and 31st December, 1606, before Robert Brown, servitor to the said Mr. Richard, William Dowglas, servitor to Lady Quhittingham, Mr. Laurence McGill, advocate, William Sinclere his servant, and Hector Fuird, servitor to the said Laird of Lethington, Anno 160

From this point to the dealings of 1613, when James is already an exile at Antwerp, I can find nothing about his proceedings. On June 6, 1620, he wrote to Camden the letter about the historian's treatment of his father, referred to in the beginning of this notice.[1]

The extracts which follow contain the latest accessible traces of the life of James Maitland, vainly presenting petitions to James VI. at the end of his reign, and to Charles I., then Prince of Wales. He hopes his highness may never taste such adversity as his late grandmother, 'Queen Mary'—a hope unfulfilled.

State Papers Domestic, James I., vol. clxxx. No. 23.
(Cal. 1623-1625, p. 306.)

James Maitland[2] *to Sec. Conway.*—Requests him to present the enclosed letter to the king; has left it open because one of his letters was refused for being closed. Has received no answer to his many letters and petitions. 1624, July Brussels

No. 24.

The same to the King.—Requests his attention to statements that concern him in honour and conscience: that his Majesty inherits the whole of Britain through his mother, who for nineteen July 19 Brussels

[1] *Cotton MSS.* Julius C., v. p. 341 [198].
[2] The Calendar misprints 'James, Earl of Maitland.'

and a half years before her death was unjustly despoiled of her crown, her abdication being extorted by force; that it was therefore lawful for her subjects still to serve her, and his father did right in so doing, and in refusing to answer to the pretended authorities, who doomed him to unjust forfeiture therefore; that his father might have recovered his property in forsaking the queen, but would not: that he long maintained Edinburgh Castle for her, to the last drop of his blood, and was in all plots for her service, endangering thereby his own life and that of his friends; that in his attainder no legal forms were adopted: that in the fifty-four years, elapsed since, he has been unable to procure a copy of his father's sentence, and other documents needful for his justification, or to obtain a rehearsing of the case, or to procure his Majesty's permission to petition the Parliament of Scotland thereon, and was banished the king's dominions without knowing
1624. the cause; that his Majesty has advanced many of the queen his mother's persecutors to eminent dignities, but never relieved him in spite of promises so to do, made through the Earls of Somerset and Kelly, and the late Earl of Dunbar.

No. 25.

July 19 Brussels. *The same to* [*the Prince*].—Asks from the king not favour but justice, and requests his intercession to obtain it without further delays. Servants like his late father, who adhere to princes in their misfortunes, should be cherished and favoured. Hopes his Highness may never taste such adversity as his late grandmother, but fears, if he did, many who now flatter him would 'shrink and slip away.' Knows particulars of the Queen of Scots' sufferings and his father's services to her, which are detailed in no history yet printed, especially those printed in England in Queen Elizabeth's time, or even since, as in them ignorance or malice bears sway; the truth should be collected from those who can tell it sincerely, for though some authentic monuments are destroyed and others obscured and hid, some may still be had. It would be honourable to the prince to restore a family so useful to his grandmother, and now trodden under foot. Entreats an answer, the present being his third letter, and the others yet unanswered.

State Papers Domestic, Charles I., vol. i. No. 50.
(Cal. 1625-1626, p. 8.)

25, April $\frac{1}{11}$ Brussels. *Petition of James Maitland to the King.*—An appeal to his Majesty's clemency. Amongst the considerations urged are the

many services done to the blessed queen, his Majesty's grandmother, by the writer's father.

We know of no answer to these melancholy petitions; and the elder branch of the house of Lethington disappears.

In his Apology for his father, James touchingly remarks that poverty and exile do not gall him so much as the calumnies heaped on his father's memory by historians, Catholic, Presbyterian, and Anglican, Lesley, Buchanan, and Camden. For the defence, he has none of his father's papers; all are destroyed, save what remains in the hands of enemies or kinsfolk estranged, such, no doubt, as John Maitland, Lord Thirlestane, the minister of James VI. James may have had reports orally from his mother, for example, as to Mary's residence with Bothwell in Dunbar before their lawless marriage. But his main resource is to 'abuse the plaintiff's attorney,' to allege spite, malice, and dishonesty against the three historians, who agree in nothing but in hatred of Lethington. They are the sources of all other hostile writers.

This is no longer true. We have many public documents, not accessible to James Maitland, and many private papers. These, despite the advocacy of Sir John Skelton, prove, I think, that Lethington was faithless to his Queen, and was involved in the murder of Darnley.

I need not recapitulate James's facts in his attack on the character of Lesley, a time-serving flatterer, first of Riccio, then of Bothwell. All this, I fear, is too true. Sir James Melville (*Memoirs*, pp. 154-155) represents Lesley, in 1567, as *lié* with Huntly, and so with Bothwell, against Moray. He also signed, probably, the document called Ainslie's Bond, advising Mary to wed Bothwell (April 19? 20? 1567), which Lethington did not sign. This appears from Sir James Balfour's copy of that infamous document, in Keith.[1] Thus Lesley was

[1] See the controversy between Mr. Bain and Mr. Hay Fleming, *The Genealogist*, 1900-1901.

involved in the guilt of Mary's marriage with Bothwell, while Lethington went free, on this point. How Lethington came to sign the bond for Darnley's murder, as he certainly did, thus letting his old foe Bothwell into power, is a mystery. Perhaps he had not remarked Mary's infatuation for the Border Earl, and did not foresee the marriage. According to Claude Nau he privately urged it on Mary: if so, he changed his policy, and, by not signing Ainslie's Bond, increased the hatred with which Bothwell had ever regarded him. James might have insisted on these points. Lesley was Bothwell's ally in pressing the fatal marriage; Lethington opposed both; he was ignorant of Bothwell's designs to abduct the Queen (April 23, 1567). Had he known of it, he would not have been present to be captured with her, and so exposed, as he was, to the peril of death by Bothwell's dagger at Dunbar. Of what value is the evidence of Lesley, Bothwell's creature, against the loyal Lethington? This makes a good point, and James had not, as we have, Hepburn of Bowton's suppressed evidence to the fact that Lethington signed the Darnley murder-bond. Bowton 'saw the secretare's subscriptioun far beneth the rest.'[1]

James had not all this mass of facts available. His bibliography of Lesley's tracts, signed or anonymous, in favour of the Queen will be serviceable, I trust, to students; and his account of the bishop's bastard children may interest the families of Leslie of Neuleslee, Cruikshank of Tillimargan, and Irwin of Aberdeen. The aid given to Lesley as an historian by a better man, good Ninian Winzet, and others, is also a matter of curiosity. James, then, argues that Lethington, out of loyalty to Mary, caused Bothwell's fall, and that Lesley, Bothwell's creature, therefore hated Lethington. Both Lesley and James explain Bothwell's influence over Mary by 'foul enchantments,' as if she were the victim of

[1] *Mystery of Mary Stuart*, p. xvi.

hypnotic suggestion. Though not an impossible, this is rather a desperate plea! It is odd that James attributes the abduction of Mary by Bothwell to Lesley's advice—the remission would include and cover the guilt of Darnley's murder—and that Lethington himself gave this legal subtlety as the true cause of the abduction.[1] As for Lethington's part in Darnley's murder, James first says that Lesley insinuates it without any evidence (such as we now possess), and next, that Lethington had no motive for the crime. Indeed, he had no motive that should have prevailed with him except that Darnley was a dangerous nuisance, and that he was intriguing incessantly against the peace of Queen and country. Therefore we know that, at the Craigmillar conference of November 1566, Lethington was the spokesman of Bothwell, Huntly, and Argyll—Moray being present—when their purpose was to 'dispeche' Darnley in one way or another.[2] 'Dispeched' Darnley was, and Lethington 'owed his ruin to a murder of which, perhaps, he thought little enough at the time.' It was as much of a blunder as of a crime on the part of Lethington, for it gave his deadly foe, Bothwell, his opportunity.

After Mary's wedding and Lethington's escape from Bothwell (James's account of the scene in the Queen's *ruelle* is picturesque), the conduct of the secretary was ambiguous. I have argued elsewhere at length from the evidence of Nau, Randolph, and the Lennox Papers, that Mary held Lethington in hatred as the blackest of traitors, and that he returned to and died for her cause because he had no other chance of safety. She knew his guilt in Darnley's murder, which, if her enemies prevailed, would certainly bring on him the feud of Lennox—as it did. He would gain Mary's pardon by changing over to her faction: if she were restored, the Darnley question would be dropped.

[1] See also *Book of Articles*, Hosack, i. 543; *Mystery of Mary Stuart*, p. 255.

[2] *Goodall*, ii. 359.

But how bitterly she detested Lethington, despite his return to her, we learn from Nau, throughout; while Randolph states the case fully in his letter to Kirkcaldy and Lethington. They caused 'to apprehend her, to imprison her, yea, to have taken the life presently from her' (at Loch Leven), 'with somewhat more that we might say, were it not to grieve you too much herein.' The earlier parts of the indictment, Mary herself 'hath said,' writes Randolph; the last dark charge, 'something more,' may refer to manipulation of the Casket Letters. John Wood (June 1568) also warns Lethington that Mary especially detests him: she declares that she has his signature to the Darnley murder-bond. 'You know her good will towards you.'[1] With the evidence of Nau these things prove that, of all traitors, Mary deemed Lethington the worst. It is, therefore, vain to argue that Lethington had always been Mary's most loyal servant. The Queen knew better. At York, in 1568, Lethington was the first to show to Norfolk and Sussex the Casket Letters, so as to drive Mary to a compromise, while, at the same time, shaking Norfolk's faith in them, for the purpose of making possible Norfolk's marriage with Mary, and winning his own safety through the favour of both. The desperate game was too clever; Norfolk bade Mary refuse the compromise. She was not restored, but, with the Lennox feud threatening him, Lethington's own safety lay in return to the cause of Mary. She officially pardoned him, but never forgave him.

Of all the mystery of iniquity nothing could be known to James Maitland. Archie Douglas could have told him much, but Archie held his peace. He makes a strong case, *prima facie*, for his father. Lesley was a knave and a Bothwellite: he suggested the abduction of Mary; he blundered at York; he, when arrested by Elizabeth, lost heart and betrayed Norfolk. Lethington was anti-Bothwellite, did not sign the

[1] Chambers's *Life of Mary, Queen of Scots*, ii. 486, 487; *Maitland Club Miscellany*, iv. 120, 121.

Ainslie bond, was captured when Mary was abducted, was in danger of death, helped to free Mary from Bothwell, and, at York, worked with Norfolk in Mary's cause, while he died in her service. All this is true, but all this does not exhaust the facts. Lethington was in the murder plot against Mary; he, after Carberry, says Randolph, was eager for her slaying; and he fled (Nau) on a report of her escape from Loch Leven; he was in arms against her at Langside; he was present at the opening of the Casket; he probably tampered with the letters, he told Throckmorton of them, he sent George Douglas with the first news of them to Cecil, he exhibited them privately to the English Commissioners at York; and in negotiating with Norfolk he played for his own hand, as in holding Edinburgh Castle for Mary he sought the only possible place of refuge for his own neck. When James denies Lesley's tale that Mary bade her commissioners at York accuse Lethington, he may be right. But Mary bade her commissioners accuse certain of Moray's party in London, later; that is, they were to speak *after* she had seen the documents in the case, which she never saw.[1] Again, before the York Conference of October 1568, she told Knollys of what she could say against Lethington.[2] Mary may, at first, have bidden her commissioners at York accuse Lethington (for she certainly was anxious to accuse him herself), but she soon found that Lethington, playing for safety, was ready to espouse her cause as far as he prudently might. Lesley, in prison and in terror, in 1571, alleged that *before* the York Conference Lethington sent to Mary, at Bolton, by Robert Melville, copies of the Scots versions of the Casket Letters. This Robert Melville denied, for his part, but Mary knew that Lethington was alarmed, and that it was safer not to accuse him at York.[3] This point, so laboured by James Maitland, is to us unimportant. We know what

[1] Goodall, ii. 281. See her letter from Bolton, Dec. 19, 1568.
[2] Bain, *Calendar*, ii. 517, October 5, 1568; cf. ii. 434, June 14, 1568.
[3] *Mystery of Mary Stuart*, pp. 247-250.

Mary's attitude towards Lethington was. She had that in black and white which would cause Lethington to 'hang by the neck,' so she said at Loch Leven, according to a letter in the Lennox Manuscripts at Cambridge (January 1569). In short, Mary would accuse Lethington of Darnley's murder in public, or not, as suited her policy. She often accused him in private; of that we have abundant evidence.

James's argument that there was no bond against Darnley's life, is, of course, unavailing, as even Mary, through her secretary, Nau, insists that there was such a document, and that Lethington signed it. In fact the whole Apology is now of no avail; and had it been published when it was written, the prolixity and the repetitions would have spoiled its effect. Unluckily the Manuscript breaks off just before the account of the Conference of York, in October 1568. James has, indeed, damaged Lesley's character, but has not accounted for the conspiracy of historians against a man so loyal and innocent as his father. We respect the motives of James Maitland, and acknowledge that, his prolixity apart, he was making the best case in his power for his father. But neither he nor any later admirer can clear the character of 'the flower of the wits of Scotland.'

To this conclusion I have come with regret, for Maitland was by far the most attractive Scottish statesman of his age. He was a patriot. Even at York he withstood the conventional and absurd claims of England to supremacy over Scotland. A fair union with England, on equal terms, by virtue of the Stuart succession to the throne, was Maitland's ideal. Yet Darnley's murder rendered Mary incapable of succeeding in her own person; and to that murder, in some inexplicable moment of infatuation, he set his hand, and, to judge by the confessions of Bowton and Binning, sent his representative, his brother. Lethington, as his son truly says, was not a cruel man, but political murders were so common—that of Riccio had been, for his ends, so successful—and the backing of

Huntly, Argyll, Bothwell, and implicitly of Morton, seemed to make the proceeding so safe, that Lethington consented, and went the way of ruin. He is not charged, by his worst foes, as his son justly remarks, with private vices: wine did not yet subvert his wits; from women, the Queen among others, he was guarded by his long love of Mary Fleming. In religion he was not a hypocrite of Morton's stamp, nor a bigot of Moray's. He thoroughly despised the Knoxian method of argument from detached Biblical texts, and from private inspiration. No man had a better chance of keeping the preachers in their proper places, and saving Scotland from the religious troubles that culminated in the Covenant. To the Queen, probably, he was honestly attached; he foresaw the ruin that must follow the Darnley marriage. By October 1566, Lethington had brought back the Queen to the alliance of *les Politiques*, himself and Moray, while Huntly, Bothwell, and Argyll were reconciled. Never had du Croc seen the Queen so much respected, and she was gained over from the influence of the Guises, and the Catholic powers. The only rift in the lute was caused by Darnley, the caitiff hated by all Scotland. Mary talked of retiring to France, which would have ruined Maitland's patriotic hopes; so Darnley had to go. Even now, but for the Queen's passion for Bothwell, all might have marched smoothly, after a few months, and it seems as if Lethington had not taken that passion into account, though Mary Fleming ought to have been able to enlighten him. Not the murder of Darnley, but the marriage with his murderer ruined the queen. Maitland's life was now at stake; he had to join the banded lords; and, after Carberry, as Nau shows, he found that the Queen was his implacable enemy. He probably moved for her life-long seclusion, if not, as Randolph told him, for her murder. If any man tampered with the Casket Letters, it was Lethington; and, once Mary was out of Loch Leven Castle, Lethington was between the devil and the deep sea. Not a powerful noble, like Huntly and Argyll,

he was certain to be the scapegoat of the Lennox revenge, if Mary remained a captive in England; whereas, if she were reinstated by himself, he could save life and lands, and even, perhaps, work for that union of the countries which was his purest ideal. He *was* accused by Lennox's retainer, Crawford, of Darnley's murder, and only escaped by winning over Kirkcaldy of Grange, with the Castle of Edinburgh for his refuge. By this time he was a dying man, a helpless cripple, but of courage unabated. So he died, defeated, and by Mary unforgiven. If we knew what Mary Fleming, his wife, may have known of him, we should better understand the tragedy of a man far ahead of his age in everything except the fatal Scottish readiness to cut a political Gordian knot with the knife of the assassin. A. L.

THE APOLOGIE FOR WILLIAM MAITLAND OF LIDINGTON

Add. MS. No. 32,092, ff. 230-304. [Apologie for Maitland of Lethington.]

At Antwerp, 11 Aprile, 1616. [*f. 230*]*f. 1.*

ANE APOLOGIE for WILLIAME MAITLAND of Lidington against the lies and calumnies of Jhone Leslee, Bishop of Ross, George Buchanan & Williame Camden as authors, Inventors & Surmisers, & dyvers vthers as followers of thame for the most pairt strangers of dyvers nations & beleeving or seeming to beleue some of those forsaid authors as oracles or treuths so far as thai writ of Scots affayres or the scots historie speciallie anent & of the said Williame Maitland. Written be his onlie sone James Maitland.

IT is weale knauen & manifest to al that knowes me that sins the death of my father, 1573, & overthrou of our houss & familie (besyde the loss of the lyves meanes & estaits of manie his deare freends & weilwillars in those actions) onlie & meerlie for the service of the nou blissit Q. Marie of Scotland his vndoutit, Lauful & naturelle Princess & Mistres, he having than lost al without reserving anie thing, not so mekle as ane lik or peece of peper, safe some pepers that in my minoritie fel al in our ennemies handis or in freendis & neer kinsfolks handis become our ennemies or Warss than ennemies leaving me his eldest sone & appeirand heyre at least in richt (for our leevings & landis war al disponit to vthers & wee forfaltit or atteintit & monie particular

[f. 230b] f. 1b. rigorous statuts maide | vss the posteritie of my father) than of the age of fyue zeirs & some od moneths in great distres & miserie as al the rest of his children. I have beene involvit in manie & great difficulties & hes felt & tastit manie & bitter sorts of extremities fra tyme to tyme withe feu & smal eases or refreschments, bot withe no releiff or redress or appeiranse of anie be wardlie or human meanes, & their miseries I haue felt in the most sensible sort & presentlie feels more & more not onlie in myn auin person, bot in the persons of my sone & tua dochters nou come to the age & estait of man & wooman, leeving lang strangers in ane strange cuntrie as or warss than banischit, destitut of our auin meanes withe al wants, witheout the confort or the conversation of freendis, & without hoip of better, safe onlie so far as wee ar meerlie to expect of god his infinit goodnes & providens. Yit no thing miserie Wrang or Iniurie that I feel greevis me so sore as the lies calumnies & surmises forgit maliciouslie against my father & publischit be men having the fame & reputation of lernit men & historiographers, of regaird & so mekle the more becaus thise thrie J. Lesleeus, G. Buchananus & G. Camdenus ar al thrie of contrair & opposit religious factions, affections & dispositions, & seemes to agree in nothing excepting traducing the name & fame of my father, & thairfor at the first sicht to manie (if not to al) it wil appeir thai writ of him treuelie & that his cariage in some
[f. 231] f. 2. things is to be | blamit, for if be laues of al or most nations the testimonie of tua famous is estemit as valid what sal be thocht of thrie so notoriouss & famous men & so weal estemit, at least everye ane of thame be those of thair auin Religion, faction, affection & disposition, as weal be strangers as be these of our auin Britiss nations. bot I hoip & doo assure myself that whan thair humors & dispositions sal be maid open & manifest & thair assertions & writings against my father be duelie & treulie examined & thair writs conferrit everye ane his withe his auin & withe the writs of the vther tua, I hoip & doo assure myself that wee sal not find *convenientia testimonia* or if thai doo in anie thing ane, is directlie relatiue to the vther & confessing either expresslie or at least tacite that he taks it fra the former. bot whan in

raison & be reason the true storie of these tymes sophisticat maliciouslie flatteringlie & passionatlie be al thrie albeit contrair & opposit to vthers in most or rather al thair writs anent the cours of the storie sal be examined & weyhed witheal the true causes & circumstances thair malice & spyt against my father or flattering of vthers persons of more micht or bothe wilbe manifest & efter thair wryting against him being considerit rypelie and richtlie. I hope al Judiciouss & considerat readers wil haue that true opinion of my father his fame & reputation, as the treuthe & his merits doo deserue. | [f. 231b] f. 2b. & the credit & consequentlie the authorities of these thrie thair writs being Justlie taken away, I see no reason, hou the credit of strangers & vther writers depending meerlie of these thrie or rather anie ane of thame kan subsist in so far as thai depend on thair writs anent sic things as heirefter God willing sal be cleirlie confuted. In other things written be forayn & vther writers I intend no way be this apologie to derogat albeit sum what inconsideratlie & ignorantlie of our things thai fallowed soome or anie ane of the foormer thrie to the preiudice of my father his name & reputation & of vss his posteritie & of our whole familie against the treuthe his deserts & witheout anie caus or offence ministrat or done be anie of vss to anie of thame. Hoping that so manie as ar alyue efter the knauledge of this confutation sal come to thame wil in the nixt & vther editions of sic thair Warks amend what in thair former wes or is amisse & contrair the treuthe to our preiudice as befor. Albeit the forenamit thrie authors or Writers Lesleeus, Buchananus, & Camdenus, maliciouslie & vntruelie hath for spyt, malice, flatterie & interest traducit my father & written bitterlie against him. Yit for the loue I beare & awis to treuthe I intend to speake no thing of thame bot what is treue, & intendis to absteen fra taxing thair defects, faults or vyces altogither safe so far as is necessar to mak the treuthe appeare; [f. 234] f. 3. to convince thair lies & malice & to purge & cleir my father fra thair surmises & imputations not for anie respect I do beare or awis to thame bot becaus I think it a base thing to detract (albeit truelie) anie & vnwoorthie of me, mekle les doo I intend to open the hid faults of anie dead or living whou opposit so evir thair war or ar to my father & his freendis &

pairtie or to me, nor to speake to the disadvantage or advantage of anie, of what evir cours faction or cuntrie, safe onlie so far as may concern this my proiect & sal be necessar to that end, bot if I must of necessitie speake of anie living or dead offensiue to thame or thairs I protest I doo it vnwillinglie & sal [be] as reservit as may be witheout preiudice to my proiect & sal writ no thing of anie vntruelie & I think so being thai wil lay the blame on thame thrie, ane or more of thame & thair fallowers forcers of me to this our Just, lauful, & necessar defens, bot to the end this defens or Apologie be the more orderlie & accuratlie done, necessar it is that first wee tak or set doun the greatest & most hainous crymes & calumnies layed be thame on my father & efter these al thair taxes whousmasoevir, everye author being examined & considerit be himself & so confuted, [f. 234b] f. 3b. & efter tham the mistakings of some strangers | depending & fallouing soome ane of thame & seeming to differ fra him wham he falloues or interpreting his meaning contrair the intention of his author. beginning withe the first of the thrie & so orderlie & efter thame in that same order thair fallouer writers. bot withe the last I mean thair fallouer writers I hoip I sal have littil to doo the first thrie being confuted for the confutation of the vthers thair fallouers wil ensue be consequens. I man protest for favor & excuse at the readers handis, becaus it is weal knauen I am no schollar, hes no art, wes left very zoung & had no information of my father, lost the privie writs of our houss or rather nevir had thame & hath bene oft denyit & refusit not onlie the inspection & sicht of the publik monuments of the realme bot of sic as the extracts autentik of war justlie due to me as myn auin privat richts & evidents, & scarce had anie vther information or writ bot sic as meerlie be God his infinit providens be strange & vnexpectit meanes fel in myn handis or els be great paynes & expenses efter some information & long seeking. Yit I man confess manie moe cam in my handis be the first meanes than be the last, & my leasure hes not bene sa guid as I micht haue anie spair tyme to this, & the littil tyme I haue had or hes is for the most pairt divertit other be continual diseases or extreme cairs & [f. 232] f. 4. burdens for | me & myn. & little or no help I am to expect of vthers to this purpos in respect of the place of my present

residens, far fra people books or writs, that kan giue to me anie information whou smal soevir anent this wark I haue in hand. Zit confyding in God, & the equitie of the caus I doo vndertake to purge & cleare my father his name & consequentlie vss his posteritie fra al the thrie thair lies forgeries & surmises against him I hope to giue to the readers ful satisfaction anent his Innocence. bot nou to the mater.

Thair ar be al the thrie J. Leslæus, G. Buchananus, & G. Camdenus tua great & enorme crimes obiectit against my father, to wit, his vnduetifulnes to Q. Marie of Scotland his Soveraing & Mistres, & his privitie or guilt of the murther of the Lord Darneley hir husband. everye ane brings his auin & several reasons to preue thair assertions & thairfor it sal be necessar that wee see what everye ane of thame brings per se & whou he preevis it. & to begin with J. Leslæus as the first of the thrie wha I think first wret against his fame and reputation than entier wha wret dyvers libels & Pamphlets witheout putting too his name to thame, some witheout the name of anie & some withe supposit names, & to some books he set his name. | bot to mak it sal fallou more plaine & evident it is [f. 238b] f. 4b. necessar that this J. Leslæus be knauin, what he wes, what books, what Pamphlets or libels ar be him written, on what occasions & for what causes he wret, If anie, & in end what maid or moovit him to writ lies & invent calumnies against my father. This J. Leslæus wes borne in Elgin in Murray in Scotland, Elgin being the capital of the schire & the Bischop his seat of the diocese, of meane Parentage, & as is thocht not in Mariage. in his zouthe he studiit in france to the laues chieflie to the Canon Law. efter his returne in Scotland he wes first maid person of Oon & efter official of Aberdein & ane Chanon of that Cathedral Church. his lyffe than being no way answearable to his calling & profession & in this tyme the change of Religion & manie stiris & vprores being in the cuntrie, he efter thir things war pacifiit & the Q returnit fra france, being bold & audaciouss or rather schamles & Impudent stil attending the court & evir seiking wes advancit be hir Maiestie to be Bischop of Ross & efter ane of the session, be meanes & flattèring first of David Rizio & efter of the Erle of Bothwell. Hepburne ane of thame efter the vther being

[f. 235]f. 5. in some grace & favor at | court, evir extolling & preferring himself & detracting & calumniating vthers (albeit hidelie & covertlie for the most pairt) not darring than vther wayiss in respect of the estait of the cuntrie & humor of the people thairin other extreme Impatient of Iniuries & prone to revenge socht his auin benefit & preferment be meanes & intercession als weal of the bad as of the guid zea & rather of the viciouss nor of the vertuouss *propter similitudinem morum*, flattering the michtie of credit, & pouerful in al their humors fantasies, & wikkednesses whatsoevir, & Imploying al his Wits, knauledge & dexteritie to promooue al thair intentions & to cloik & patronize al thair vnhappie & wicked proiects & facts, mutch gevin to talk, uery vnadvysit & inconsiderat als weal in his speeches as writs, & thairfor oft subiect to contradict himself & rather to hurt nor help that he took in hand to defend or protect & patronize, very rasche in attempting & vnsecret in his cariage. Whilk thie his humors & defects as occasion sal serue wil in the progres of this writ more manifestlie appear.

He did writ & publiss manie pamphlets libels & books
[f. 235b]f. 5b. some | in writ, & some in print, some witheout anie name, some withe supposit names of vthers, & some vnder his auin name. He wret a littil Pamphlet & causit it to be put in the Spaniss toong & sent in Spain in Writ callit 1. Relacion de las cosas de Escocia witheout anie name or date to it. Ane vther Pamphlet in engliss printed in 16. callit. 2. The Copie of a lettre written out of Scotland by ane engliss gentleman of credit & worschip serving thervnto a frend & kinsman of this that desyred to be informed of the truthe & circumstances of the slanderous & infamous reports maide of the Q. of Scotland at that tyme restreined in maner as Prisoner in Ingland vpon pretence to be culpable of the same. Witheout anie name of Author, printer, date or suprascript. Ane vther Pamphlet or book in frenche. Printed in 8. anno 1572 Witheout the name of the Author printer or place callit. 3. L'Innocence de la tres Illustre tres chaste et debonnaire Princesse, Madame Marie Royne d'Ecosse, ou sont amplement refutees les calomnies faultes et Impositions iniques publiées par vn liure secrettement diuulgué en france, l'an. 1572,

touchant tant la mort du Seigneur D'Arley son espoux, que autres crimes dont elle est faulcement accusée.

Plus vn aultre discours auquel sont descouvertes plusieurs trahisans, tant manifestes que Jusques ici cachées perpetrées par les mesmes calomniateurs Imprimé l'an. 1572, & at the end of this book in the same volume ane vther discours in frenche witheout name of author printer or place callit. Discours contre les conspirations pretendues estre faites sur l'estat d'Angleterre avec les Responses a celuy qui defend la cause et Innocence de la tres Illustre Royne d'Escosse traduit d'Anglois en francoys l'an 1572. Ane vther Pamphlet or book in frenche Printed in 8. en Anvers chez Caspar fleyben in anno 1588. A copie printed in Paris as I think the zeir or the former nixt befor, bot witheout the name of the author, callit. 4. Martyre de la Royne d'Escosse, Douairiere de france contenant le Wray discours des traisons a elle faictes a la suscitation d'Elizabeth Angloise, par lequel les mensonges, calomnies et faulses accusations dressées contre la tres vertueuse tres catholique et tres illustre Princesse sont esclarties et son Innocence averée etc. en Anvers chez Gaspar fleyben. 1588. [f. 235]f. 6.

He wret ane book or Pamphlet in Engliss & set it furth in Print priveelie in Inglond vnder the name of Morgan Philips. it conteined thrie | several books or Arguments & thairfor hes thrie several titles, to wit. 5. Q. Marie of Scotland hir Innocencie against Imputations, her richt & title to the succession of the croun of Ingland & ane discours of the laufulnes of the authoritie & Regiment of Woomen be Morgan Philips not zit sene be me. He wretten books or Pamphlets & dispersit thame bothe in Writ in French vnder the names of William Steuart & Androu Mophat. Ane of thame callit 6. Sommaire du liure de Guillaume Steuart augmenté par Andre Mophat monstrant toutes les rebellions commises depuis seize ans en ça en Escosse avoir esté faictes par le feu Conte de Morray pour se faire Roy, et depuis comme ses adherents ont vsurpé la dicte Courronne. The vther callit 7. Discours sur les affaires d'Escosse depuis seize ans en ça par lequelle toute homme de bien peult voir a l'œil l'ambition des rebelles d'Escosse avoir esté si desborde qu'elle les a faictes oublier entierement leur devoir envers Dieu envers nature [f. 235b]f. 6b.

envers leur Patrie envers leur tres vertueuse et tres excellent Princesse et Royne mettant tout sans dessus dessous par feu et a sang, le tout pour leur profit particulier (estant cinque ou six des plus favoris et plus avancees de sa Maiesté) et
[f. 256]f. 7. cupidité tres abominable de | s'emparer du gouvernement, extraict du liure de feu Guillaume Steuart herault des armes audict pays reveue par André Mophat et nouuellement augmenté. He wret & sent to our Q. Marie of Scotland in writ in Scots or Englis svnder his auin name. 8. The Chronicle or historie of Scotland fra the deathe of K. James the second to the deathe of K. francis the second of france & husband to our Q. Marie (albeit not hithertoo seen by me) maid or compiled be himself as Turnerus alleages in his tua epistles (he wret for the said Bischop of Ross Leslaeus ane to our Q. Marie of Scotland the vther to the senat & people of Scotland) contenit in his book of Orations & epistles in the latin toong printed in Ingolstat in. 8. 1602. 9. He wret & maid the historie of Scotland fra the beginning to his tyme in the latin toong & did print & publiss it in Rome vnder his auin name in. 4. in anno 1578, printed in Rome in Aedibus populi Romani. He wret & publischit in writ both in the latin & french toongs ane Oration maid be him to K. Henrie the third of france callit in the latin toong. 10. Ad Christianissimum Henricum tertium Galliarum et Poloniae Regem Jo. Lesloei Scoti Episcopi Rossensis oratio. He wret & publischit in print in the latin
[f. 256b]f. 7b. toong vnder his | auin name 11. Ane book conteining thrie divers books subiects or titles to wit the first. De titulo et jure Serenissimae Principis Mariae Scotorum Reginae, quo Regni Angliae successionem sibi juste vendicat libellus. Simul et Regum Angliae a Guilielmo Duce Normanniae, qui conquaestor dictus est, genealogiam et successionis sariem in tabula descriptam, competitorum quoque a lancastrensi et Eboracensi familiis descendentium historiam summatim complectens. The second, De illustrium foeminarum in Republic-administranda ac ferendis legibus authoritate libellus. Opera Johannis Leslaei Episcopi Rossensis Scoti, dum pro Serenissima Principe Maria Scotorum Regina jam pridem in Anglia legatum ageret, patrio primum, nunc vero Latino sermone in lucem editus. The third is callit, Accessit ad Anglos et Scotos, vt qui

temporis bellorumque injuria iam diu distracti fuerunt, tandem aliquando animus consentiant et perpetua amicitiam in vnum coalescent. Paraenesis in. 4. Rhemis excudebat Joannes fognaeus sub Leone 1580. He wret & publisched ane book in Print in the Engliss toong vnder his auin name bot withcout the name of the Printer or place whair it wes printed callit. 12. A Treatise touching the right title & interest of the most excellent Princesse Marie Queene of Scotland, & of the most noble King James, her | graces sonne, to the succession of the [f. 237] f. 8. Croune of England. Wherin is conteined as well a Genealogie of the competitors pretending title to the same croune, as a Resolution of thair obiections. Compiled & publisched befor in latin & efter in Engliss by the right reverend father in god Jhon lesley Bischop of Ross. Withe ane Exhortation to the engliss & Scottisch nations for vniting of thameselfs in a true league of amitie in. 8. 1584. He writ a littil book & publisched it in print in the latin toong conteining tua littil books of divers subiects & arguments vnder his auin name, the first callit, 13. Congratulatio Serenissimo Principi et Illustrissimo Cardinali Alberto Archiduci Austriae etc. de fausto ac felici eius adventu ad regimen Provinciarum Inferioris Germaniae per R. in Christo P. Jo. Leslaeum Episcopum Rossensis in Scotia, per attestationem complurium Praelatorum, nobilium et aliorum Rotomagi primum publica authoritatem ordinem digesta, et ad S. D. N. Clementem octavum missa, anno 1593. Deinde Instante Serenissimo Principe Ernesto Archiduce Austriae, Belgii gubernatore renovata, et eius mandato ad | sacram catholicam Maiestatem. Philippi regis hispaniarum [f. 237b] f. 8b. delata, mense Januario 1595, vt eidem Episcopo in Belgio provideatur in. 8. Bruxellae. Apud Rutgerem Velpium typog. Jurat. sub intersignio Aquilae aureae, iuxta Palatium 1596. Camden in his Annales Rerum Anglicarum etc. regnante Elizabetha maks mention of Leslee 14. the B. of Ross his commentaries. Thir ar al his books Pamphlets or libels come in anie sort hithertoo to my knauledge, at least so manie of thame as may in anie sort directlie or indirectlie, pro or contra concerne this mater or subiect I haue presentlie in hand. The caus of his writing & publisching at thir his forsaidis books Pamphlets & libels in writ or print, war his great Ostentation

& his extreme desyr of vaine glorie, bot motche more of wealthe to inritche his bastardlie offspring. for he had thrie dochters maryit to wit to Leslee of Neuleslee, Cruikschank of Tillimargan & Mr. Richard Iruin of Aberdein, al thrie in the schyre of Aberdein or at least neir to it, & had manie descendants of al the thrie, besydis more or vthers children in re or spe in those dayis whan his vaine effronte . . .[1] Ostentation auarice & ambition war fed withe greatest hoips, whan he began first to writ. The Occasions he socht or tuik war as
[f. 23b] f. 9. efter fallouis to writ thame. | Our nou Blissit Q. Marie than of Scotland being prisoner be god his permission in Ingland in hir enemies handis & custodie & being chargit withe odious crimes be hir ennemies & in a maner or sort being abandonit be most of hir subiects, he stil hoping hir libertie & that schoo suld be restorit not onlie to hir former greatnes bot suld attane to the Jouyssance & possession of the Croun of Ingland as hir vndoutit right & Inheritance be meanes of hir forrayne friendis, & affectionat subiects (albeit for the most pairt in secret) of bothe realmes of Scotland & Ingland did Ingyre himself in hir busynes schoo not having at that tyme so great choice of servants & fit ministers to imploy as befor scho had, & thairfor albeit schoo kneu his vanitie, Ostentation, vnsecresie, smal knauledge of maters of state, & no knauledge or experiens of Engliss affayres, did accept of his offred service & vsed & Imployid him in things than occurring in Ingland for hir service, first as ane of hir commissionars anent hir defens against crimes obiectit against hir first befor the commissionars for Q. Elizabethe at Zorke & efter befor hir self &
[f. 23b] f. 9b. counsell | or sa manie of thame appointit at London, as Commissionars & efter that Commission was endit & expyrit did vse & Imploy him as hir ordinarie & resident Ambassador at the court of Ingland to procure & solicit her libertie and vther hir occurrent affayres, at or in the whilk tymes to mak scheu of his knauledge, to mak his name famous & knauen in the world, to scheu his officiousnes to the Q. & to procure the better hir favor, hoping (scho being restorit & advancit as befor) therby to procure to himself & his bastardlie race or broad

[1] End of word lost in the binding.

dignities & great wealthe in thir tymes of his being & Imployment in Ingland he wrote & publischit thir books libels & pamphlets fallouing some in writ & some in print, some avoued than & some not, bot in privie to the Q. and his confidents, bot most or neir al of thame challengit be him efter as his works expresslie or be circumlocution in some of his posterior warks albeit than & eftir in most of his warks for things of treuthe Judgement & soliditie he wes forcit to vse & did vse the knauledge, labors & Industrie of vthers dyvers al be it arrogating al to himself to feed his Idle ostentation & vaine gloriouss humor. The books libels & pamphlets writtin be | him during his Residens in Ingland ar thir fallouing [f. 239]f. 10.
to wit. 1. Relacion de la cosas de Escocia. 2. The Copie of a lettre written out of Scotland by ane engliss gentleman. 3. L'Innocence de la Royne d'Escosse. 4. Sommaire du Liure de Guillaume Steuart. 5. Discours sur les affaires d'Escosse depuis seize ans. Thir fyue he wret to purge the Q. of crimes imposed (as he seemis) & to lay the saidis crimes on vthers, whou truelie pairtlie heirefter it wil appeire & the posterior of thame evir wil in some things speciallie anent my father be derogatorie to the former & preceiding in al or pairt for thai war writtin & spred abroad in dyverrs zeirs & tymes & sundrie cuntries. bot al witheout avou or his name & some of them be supposit names put to thame, al maid be him according to the humors he wes then in, knauledge he than had, & according to the tymes & cuntries whair he wes to spred thame. 6. His book vnder the supposit name of Morgan Philips, conteining thrie pairts to wit. The Q. of Scotland hir Innocencie hir title to Croun of Ingland, & the Laufulnes of the Regiment of Woomen lyk wyss written be him, withe help of vthers Lawyers in Ingland, pairtlie I meane the tua first pairts to shau his officioussnes to our Q. & the last pairt to flatter bothe the Queenes bot cheiflie Q. | Elizabethe during [f. 239b]f. 10b.
his Residens in England, as lyk wyss in that tyme he wrot 7. the Chronicle or historie of Scotland fra the deathe of K. James the second to the deathe of K. francis the Q. of france, husband to our Q. for vaine Ambition & to schau his officioussnes to our Q. He wret lyk wyss during his residens in Ingland his 8. Commentaries cited be Camden in the place

before alleagit likelie aneuche for his privat humors & endis mentionat befor, bot came no dout sore against his wil & beyond his expectation in the Q. of Ingland & vther his ennemies handis at his apprehension. What is conteined thair in I knau not nevir having seen it, bot if that Camden cites furthe of it be true, or if it be lyke to his vther warks no dout he arrogats thair in greatlie to himself & detracts evidentlie fra vthers. Sone efter K. Henrie the thrid of france cam to the croun he wret & publischit in writ 9. Ane oration as it had bene maid be him to the said K. in bothe the latin & frenche toongues, or th'ane translated furthe of the vther, pairtlie for his woontit Ostentation & to scheu his busynes or rather officioussnes to our Q. bot his cheif end wes thairby in hid & fair termes to mak his affliction & wants manifest & indirectlie to beg & crave support or meanes to liue, flattering to that end extremelie bothe the said K. & his Mother Q. Catherine of Medecis carying | than a cheiff suay in the manage & governement of the state. He leving at Rome thrie zeirs togither did publiss & set furthe in print in the Latin toong anno 1578, 10. his historie or Chronicle of Scotland fra the beginning to his auin tyme or rather did withe help of vthers put in forme & set togither that historie pairtlie maid or collectit be M^r^ Ninian Winzet Abot of the Scots Abay in Regensburg, pairtlie be M^r^ Alexander Andersone Principal of the Colledge in Aberdein & pairtlie be M^r^ James Scheme Chanon & of the Cathedral Kirk of Tournay, eiking at the end thairof onlie some of his auin informations hou treulie this treatise heirefter pairtlie wil declare. the causes of his publisching of that book at that tyme & in his auin name war his Ostentation vaine glorie to mak himself knauen, his name famouss, bot the chiefest caus of al wes to send & give it to Princes & great personnages & vnder that colour to craue & seik fra thame meanes or support & to witness & to preue this his intention it is manifest be K. Philip the Q. of Spain his lettre to him in answer of his sent befor togither withe his said historie of Scotland to his Catholic Maiestie set doun ad longum in the book of his auin lyffe publischit in latin in print be him in Bruxelles 1596 in the same volume & efter his congratulatio Alberto Archi-

[*f. 240*]*f. 11.*

duci & be ane lettre written be Robertus Turnerus Anglicus [*f. 240b*] *f. 11b.*
for him & in his name sent fra | Rome togither withe his
historie of Scotland to K. Jhon of Sueden be him mentionit or
recordit in the said Robertus Turnerus his book of his orations
epistles etc. printed in 8. in Ingolstat 1602, that being the 6
Epistle in order in the book, efter his returne fra Rome being
in France the 1580 zeir of god in his auld vaine & begging
humors did of neu publisch & print in the latin toong
vnder his auin name in Rhemis in Champagne tua of his thrie
books publischit in print befor in Ingland in ane volume in
engliss vnder the supposit name of Morgan Philips to wit the
tua last anent 11. the Q. of Scotland hir richt & title to the
croun & succession of Ingland & anent the lawfulnes of the
Regiment of Woomen & obscuring the names of tua engliss
lawyers [1] wha gaue to him
the arguments in his said book to currie the favor & support
the better of the Princes of the house of Lorrain & others
the Queene hir freindis in france & vther forrayne pairts &
cuntries & of purpos left furthe of that book the first pairt of
it he publischit in his book vnder the name of Morgan Philips
to wit the Q. of Scotland hir Innocencie in the Engliss toong,
& soon efter to wit 1572 he publischit in frenche the same,
during his residens & abode in Ingland vn or not publischit in [*f. 241*] *f. 12.*
latin nou | withe the vther tua conteinit in the same volume
becaus he & vthers for him had perceavit some his gross & mani-
fest lies in it & wes aschamit than of thame & of that his book
contening thoime, albeit no man in our age or the former wes
more impudent or effrontit nor he wes. Some four zeirs after
seing That the King nou of Great Britain wes grouing to man
his zeares & and that his mother the Queene wes waxing elder
& diseasit to anticipate his favor in al events being stil of his
vaine & greedie humor he did of neu publisch his book of
12. The Q. hir title & richt to the succession of the Croun of
Ingland joyning than withe hirs hir sonne & dedicating it to
thame bothe jointlie in the Engliss toong printed in 1588.
than efter the deathe & martyre of Blissit Q. Marie of Scot-
land he maid or at least wes the cheiff informer of manie

[1] Blank in original manuscript.

things speciallie of dyvers lies & publischit in print the 13 Martyrs of the said Queene in the frenche toong & thairin he did not omit to insert largelie & copiouslie his aun prayses or what in anie sort micht be drauen to tend thairtoo, not omitting to recommend himself indirectlie, & last of al being in the lau cuntries furthe of france at the arryvail in the saidis cuntries of the Arceduke Albert than Cardinal or Governor
[f. 241b] f. 12b. of thame for K. | Philip the 2. of Spain, a littil before his deathe, he being thane bothe aged, weake & seiklie bot stil of his avariciouss & ostentatiue humor, & no les affectit to his children & children's children having ane of thame stil in cumpanie withe him took occasion of the said Prince his arryvail to congratulate it with him. 14. to writ in latin, bot cheiflie to present thairwithe the historie of his auin lyffe ful of impudent lies to his auin praise against truethe to induce or moouve the said Prince to pitie & compassion of his estait & to bestou or to procure to him the Archebischoprik of Mechlin fra his Catholic Maiestie whairby he micht liue in pompe & inritche his bastardlie brood. Bot nou to coome to the last, to wit what wes the caus or causes that moovit him to Invent & Writ so maliciousslie so monie lies against my father. It is to be vnderstood that having be David Riccio his meanes & favor obtenit of the Q. ane place of Lord of Session, for Abot of Londores he never wes, nor zit President of the Session, mekle les of the Privie Councell, whilk in our cuntrie nevir had anie President be that name bot ather the King or Governor himself or els the Chancellor
] f. 242] f. 13. did supplie & exercise that charge be thameself, or in absens of | the Chancellor, the first councellor present notwithstanding his impudent lies in his printed lyffe efter congratulatio Cardinali Alberto Archiduci comprehendit in thrie. 3. leaves & meir the half of it in praiss of himself serving onlie for a colour to present & publiss his lyffe to the forsaid endis conteining threttene. 13. leaves or thairby, & albeit in the beginning he pretendis as it had bene sent to Pope Clement the 8. from Rouen efter it wes maid thair & collectit be publict authoritie confirmit be authoritie & attestations of manie Prelats, noble persons & vthers in the zeir of God 1593. Zit certane it is that at that tyme & zeir of God thair war no Prelates

or nobles in Rouen wha kneu what had passit in Scotland or Ingland anent his privat bot be his auin reports & thai culd not witness or attest that nevir wes. & thairfor it is to be concludit that ather no sic attestations war, or if thai war that thai war counterfit, or the persons that gaue thame abusit withe fals reports & informations & rather with his & be him, nor be | the reports of anie vthers. for at that [f. 242b] f. 15b. tyme thair war na persons of qualitie or knauledge in Rouen of the Scots or engliss nations safe himself & albeit thair had bene privat caces ar not so notoriouslie & weale knauen to everie bodie & some tyme efter be his meanes David Riccio withe help of the Erle James of Bothwell to wit in 1565 zeir of God or efter obtenit the Bischoprik of Ross of the Q. (albeit not consecrat before the 1575 in Paris efter his arryvail thair efter his libertie fra his Imprisonment in Ingland) & in deed he so fallouit first David Riccio & efter the E. of Bothwell in thair humors that be ather of thair meanes, if thai had longer subsistit he wes in great hoip to haue bene farder preferrit & enritchit & thairfor in al his writs being myndful of thair benefits to him he wes evir efter thankful to thame praying thame at al occasions takin & socht ernestlie & of purpos be him, evir seeking to prefer thair merits bothe far aboue mesure & truethe in al his books & writs thairefter albeit withe no smal hid note at least to the Q. his soveraigne mistres & great benefactor for favoring persons of so littil | vertue & merit [f. 243] f 14. so hielie. Bot efter the E. of Bothwell wes segregat fra the Q. & driven furthe of Scotland attributing the caus of his last Patron his fal (for David Riccio wes lang slain befor) cheiflie to my father (albeit thairby my father socht not his overthrou or the vndoing of anie bot socht the Q. his soveraigne & mistres hir libertie fra Bothwell his captivitie & hir consciens, honor & fame fried fra the bondage & thraldome whairin he be foule inchantments, & the treacherie of his supposts about the Q. keepit hir Maiestie & the Prince than nou our king & of al the Britiss Iles his safetie & assurance of his tender lyffe fra the crueltie of him, wha murtherit his father so latelie befor and that the cuntrie mycht be freed fra a foule stayne imposit generallie on it for the foule trecherous & cruel murther of the Ld: Darnley than husband to our Q. & father to our nou King

James of Great Britayne, the fact being layed & imposit generallie on the whole nation becaus the authors & factors seemit not to be knauin or at least remaynit vncheccit & no
[f. 244b] [f. 17]. punischit| thairfor the fact being in itself so odious, notoriouss & manifest). The Bishop of Ross Leslaeus laying the blame of the caus of his Patron & great benefactor his overthrou on my father & finding thairby al his great hoips of greater preferment & richesse cut off wes ful of spyt & malice against my father. This wes ane cheiff caus of his manie maliciouss & vikked lies & calumnies inventit & surmisit be him of & against my father, bot withe this caus concurrit some vther causes whilk maid him writ in sic sort of & against my father, to wit, efter the Q. hir imprisonment in Ingland, being abandonit be the greatest pairt & forskant of capable & sufficient persons of sort or some authoritie wes forcit to imploy sic as schoo micht haue, & he offering himself (being bothe contemptible & odious to hir opposite pairtie not so moche for religion as for his evil befor led lyffe & becaus thai ascryvit to him dyvers wickit devysis done & praktisit be the Erle of Bothwell & speciallie that he wes the devyser & councellor of his ravisching the Q.
[f. 244] [f. 15]. in the sort he did at | Almond bridge to the end that efter taking a Remission for that odious crime being in the auin nature & be our lawes most hiche treason to put handis in the Prince & Soveraigne Magistrat hir person, & that crime being expressit & largelie set doun hairin as the most hainous culd be. the murther of Lo: Darnley micht be covertlie comprehendit in the general claus (& al vther crimes whatsumevir) as the lesser it being be our lawes altogither requisit that the greatest crime is to be speciallie set doun in the remission, whilk being al vthers may go in & vnder the general claus forsaid for the les note & more safetie to the Erle of Bothwell thaireftir, albeit withe no smal danger in tyme to the Q. his Mistres & Soveraigne hir person to be in the handis & disposition of so effrenit & wickit a man & so leudlie gevin to al vyces, & so Inconsiderat in al his actions & vndertakeings witheout ather feare or respect of or to god or man or of that to come, bot withe imminent & present danger to the lyffe of the Prince than & nou our King of great Britaine to be maistrisit & at the disposition of the so late befor

murtherer of his father & withe no les danger| to the consciens, [f. 244b] f.
honor fame reputation & estait of the Q. to be Joynit withe
him in Matrimonie wha not onlie for his manie vyces & wicked
facts wes so odiouss to al guid & vertuouss people generallie to
al the cuntrie & every whair els whair he wes knauin, bot had
presentlie at the tyme of his rapt of the Q. thrie maryit wyfs
living to wit the Erle of Huntley his sister in Scotland, ane
gentilwooman in Norrouay & ane vther in france notoriouss
aneuche & knauin weale aneuche thair to great numbers in
Scotland) He offering himself as I said befor in hir Majesties
than being prisoner in Ingland great want & skant of capable
fit & trustie servants schoo being than chargit be hir opposite
pairtie & adversaries withe odiouss things in respect of his
offre & that he maid profession of lawes, & that it wes requisit
hir answers war maid formallie schoo acceptit of him & did
Imploy & use him in hir defensis, first at Zork, & efter in
London as hir first Commissionar als weale in respect he wes
a Bischop (albeit nomine tenus), & in rank befor hir vther
commissionars joynit withe him in that busyness, as becaus
he wes the onlie Lawyer of the cumpanie. Whilk that his
Imployment on the ane pairt & hir Majesties present skant
of sufficient & confident servants on the vther did puff him vp
withe suche presumptions & hoips, that hoping alwayiss hir
Majestie wald attene to hir former greatnes & Jouissance of
hir realme of Scotland, he wes likelie at least in his concept | to [f. 245] f.
be preferrit to the manage of al great & publik affaires of
the whole state if he culd in anie sort be rid of the precedens
of my father wha he Judgit more nor likelie to preceid him, &
to carye the cheiff sway of the estait (as in former tymes) vnder
the Q. & thairfor to remooue this let & Impediment to his pre-
tendit greatnes, he socht al meanes possible to alienat the Q.
fra him, & to divert his affection fra hir service, albeit in a
verye bad & vnfit tyme for hir Magesties service & for hir
relieue & freedome fra that hir extreme bondage & Imprison-
ment, & for hir restitution to hir former authoritie & for the
Jouyssance of hir richtful & lauful pretences I meane the
crounes of Ingland & Ireland. My father his service, paynis
pairts, & dexteritie being so necessar to this hir forsayd endis
in bothe realmes of Scotland & Ingland at that tyme as his

credit & facts did creerlie manifest, bot treuthe is ather wes Leslaeus B. of Ross his affection to the Q. hir service so littil bot for his privat interest onlie or els his knauledge than of affayres of estait so smal speciallie of the present estait & humors of the people in great Britaine or his Judgement of
145b] f. 16b. that he presentlie had in hand so weake | as did efter cleerlie appeare in the cours of these affaires managit be him, as that he littil cairit or considerit what cours to have, bot my father had littil or no respect to it, he ather did or said, bot went on withe his duetiefulnes diligensis due considerations in hir Majesties service as became him, & indeed in these tymes the rumours he causit spreed to the preiudice of my father war so covertlie done, & the Writs he dispersit secretlie done that my father culd not perceaue him to be ane ane doer in thame, & the Writs war most in writ forsent alsweal these as some in print albeit the printit in his tyme did nevir name my father war witheout anie name or avou sa lang as my father levit, & sic as efter he publischit as lykwyes fra the beginning the posterior war evir derogatorie fra the treuthe of the former & preceiding, as in the sequele of this discours wil be evident. The thrid caus that maid him writ as he did wes the natural vanitie & ostentatiue humor of the man I meane of Leslaeus possessing him to the verye hour of his deathe as al wha kneu him weale kan witness & as may cleerlie appear be his warks & be the tymes & causes of his writing thame in that sort he did.

153] f. 17. For at the beginning of his Imployment in Ingland he was a meer novice & ignorant of that belongit to the charge he took in hand & thairfor being desyrous to schau more knauledge conforme to his humor nor wes in him, & the busyness he had in hand being of the auin nature thornie aneuche & he as I sayd befor knawing nather the estait of things truelie the dispositions of persons nor what wes fit to be done went be ghesse & being verye effrontit spak at occasions what first cam in his heade, & efter better knauledge did not sometymes stik to contradict himself, littil remembering oft tymes what befor he had said or written, & thairfor seing things blame worthie war done & some must haue bene the doers of thame, & he had intention to free some whilk he judgit culd not be

weale done witheout charging some vthers, he choosit rather to blame, tax & charge my father albeit tacite in hidlings & at peece-male (as thai say) & at dyvers tymes contradicting himself oft thairanent, wham he bothe did hate for that he had done against his Patron & Creator the Erle of Bothwell as he interpreted it & against his auin Wealthe & preferment & consequentlie fearit that in tymes cumming if the Q. suld be againe restorit to hir croun & cuntrie or cum | to command [*f. 253b*] *f. 17b.*
more large dominions (conforme to hir richt) that he, I meane my father, wald in the cheiff manage of affayres preceid him, & resist his idle, vaine & vicious humors, & consequentlie be a let or stop to his exorbitant ambition & avarice, he choosit I say for thie said respects to blame tax & charge rather my father than anie vther wham he nather hatit nor fearit so mutche.

The humor, nature & cariag of the man, I mein Leslæus, Bischop of Ross being knauin as lykwyss the causes of his spyt & malice against my father let nou be considerit the particular taxes & defects he charges my father withe, & what proofs or evidences he produces for his assertions, against him.

I hoip no discreet judicious or considerat man will think his Assertions onlie witheout prooff or evidences, albeit thair war no contradictions in thame, sufficient to convince anie bodie, albeit he wes a Priest & in tyme a Bischop, for albeit thair calling & function requyres no dout great sinceritie, zit it is evident that everye ane of thame in al their Writs & speeches had it not. bot nou to the Mater.

Let uss first see & consider whou far he charges my father withe the murther of the Lo: Darneley & efter withe vnduetie-fulnes against the Queene his mistres & vndoutit & dreadful soveraigne | & natural Princesse & what pruiffs or evidences he [*f. 254*] *f. 18.*
brings for thame or in place of thame what presumptions or arguments, & efter wee sal see what farder he sayis against him, and withe God his grace convince him of malice & evident lies & calumnies in al he speakes against my father or to his reproche.

It is to be markit & considerit that Leslæus in al his books & Pamphlets printit under his auin name or avouit be him

does nevir speake any thing anent the Lo: Darneley his deathe & cruel murther to the reproche of or against my father bot escheus it as a dangerous Rock knauing my father his Innocencie of it & of al vther crimes & Imputations in his auin consciens & that al he culd say to that end wald in tyme prooue lies & calumnies & redound to his auin schame as the Author of lies & wicked surmises. thairfor he went about be hid lies spoken in secret & first be relations in Writ onlie sent be secret & indirect meanes in forayne cuntries far remote fra our Ile as in Spain & Italie to persons of authoritie onlie & littil or nothing expert in our particulars & thairfor the easyer to giue credit to the relations & reports of a Priest calling himself a Bischop, & hearing nor knauing no thing of the contrare pairt & efter my father wes involvit in manie troubles (albeit onlie for vpsetting & manteyning the Q. hir
[f. 264b]f. 18b authoritie) & that bothe | his pairtie & healthe weaken . . .[1] the langer the more & that he wes involvit in inextricable & infinit cairs & had littil or no spair tyme to attend sic folies & Idle things that first be rumors & efter be writ & print al vnavoued be him & vnder supposit names Leslaeus did spred & publiss his lies against my father peece & peece, & so efter his deathe (as pleasit him or as he took occasions betymes occurring) more bauldlie to attene his proposit endis of ostentation, Ambition & interest. bot evir as befor publisching nothing to his reproche I meane my father his (albeit privatlie to manie he did declare or insinuat himself author of suche Warks) vnder his auin name or publiklie be him avoued, bot al his things publischit had ather no name prefixit or affixit thairtoo or supposit names.

In al his relations, libels, Pamphlets & books coom hithertoo to my handis (albeit manie of thame be) I kan nevir find that he gevis anie apparant reason, mekle les Presumption prooff or Indice to convince or to charge my father formallie withe that odious & filthie murther of the Lo: Darneley; he thinks his dixit appearantlie witheout anie more be sufficient to convince & condemne anie bodie. bot I knau no sic lauful authoritie in
[f. 246]f. 19. him & his Idle vaine | & contradictorie Writs the posterior

[1] End of the word lost in the binding.

being for the most pairt the anterior brings not to him the opinion of so great sinceritie.

More is to be noted in his Writs that anent that fact he does nevir charge my father directlie as guiltie of it. bot whan he goes about to purge some vther, some tymes he brings in my father indirectlie, ather pairtlie thairby to purge the better the pairtie he taks him to Patronize, or Joining him withe vthers, wham on glaidlie he wald lay al the blame of that odious & cruel murther.

I think no reason bindis me to Improoue or Impugne his onlie dixit being fortifiit or assistit withe no vther argument or reason except to schau his humor, passion, malice, contradictions in his writs & the lyke cleirlie heir befor manifestit, as wil pairtlie heirefter lykwyss appeare as necessar occasions sal furniss subiect. & this is more nor in reason I am bund to, for my denyal or negatiue of that he affirmis is guid & in al law valide ay & whill he preue cleirlie his assertions whil in this cace & in his vther lies & surmises of my father is vnpossible for him or anie vther to doo. bot nou let uss see whou he fortifiis or props his dixit anent that filthie murther so far as he maks it to tax or concerne my father in anie sort. [f. 246b]f. 19b.

No dout the Authors, councellors, procurers, actors, perpetrators assisters & fortifiers of filthie murthers sic as the Lo: Darnley his wes (if thai be not altogither mad & void of al natural Judgement & discretion) hes some caus, passion or wrestit reason to induce thame thairtoo. nou let vss consider what caus reason or passion had my father to be guiltie of sic horrible & filthie a sinn, & of sa hainous & execrable fact & murther as that wes. I for my pairt culd nevir find or penetrat anie caus, reason or passion in him able or likelie to haue moovit or inducit him thairtoo & I did nevir hear of anie that at anie tyme he wes distractit or void of sense or judgement. & in al Leslaeus Buchanan & Camden his Writs & Warks so far as I kan perceaue I kan nevir find him taxit withe madnes or lake of judgement & als littil kan find in thair Warks anie caus, reason or passion thai giue or anie of thame gevis or attributs to him, why thai suld judge him guiltie les or more of that filthie & cruel murther. bot let vss come to consider & examin what reasons or causes gevis Leslæus thair-

for (for the vther thair tua pairts wil come in thair auin places heirefter).

[f. 247] f. 20. So far as I kan perceaue in Leslæus Warks, the causis he givis inducing the copartners of that vnhappie Wark to that abominable fact, ar in some quarrels & hatred withe & of the Lo: Darneley for former disputs or offences. vthers for feare of his malice & intention to kil thame seeking thairfor to prevein him so to escheu the danger hanging on thair headis, & vthers (as he sayis) for hatred & malice thai had against the Q. thinking & proiecting than hir futur mariage withe the Erle of Bothwell & consequentlie hir slaunder as guiltie of that fact, & hir vter overthrou than proiectit & devysit be thame in respect thairof & vnder that colour & for the Erle of Bothwell his pairt the hoip he had to marie the Q. being so assurit (as he sayis) be his copartners. to thir lies may be eikit ane vther caus to wit the loue anie caryit to anie ane or mae of thir befor involvit for the former causis in the said busyness. bot of al thir former causes he attributs not ane or mae of thame to my father.

For certane it is my father had nevir anie particular or privat caus of dispute or quarrell withe the Lo: Darnley, wes nevir offendit or damnifiit be him in woord or deid, did nevir [f. 247] f. 20b. offend | him in les or more & thairfor had no caus to feare his harme or that he wald slay him & to say treuthe I did nevir hear my Lo: Darnelie fund guiltie or chargit withe the deathe or blood of anie man, safe of David Riccio, & certanelie I think he wes uather the first devyser nor cheiff doer in it albeit ane actor I confess, & I kan see no reason or appearans why my father suld have bene a doer in it onlie for evil or harme to the Queene, for bothe his anterior & his posterior actions, services, paynes, sufferings & losses to & for the Queene preevis the contrair, zea bothe immediatlie befor & instantlie follauing as may easelie be provin furthe of Buchanan & Camden his Warks, zea & furthe of the Bischop of Ross his auin warks speciallie the last, to wit his book callit Martyre de la Royne d'Escosse whairin albeit he detracts in al he kan fra my father & ascryvis to him so littil as he kan obscuring or purposelie omitting zea whan occasion & the cours of the historie of that he had in hand pressit him

thairtoo his merits & deserts to the Queene zit I say in it he is forcit to set doun cleerlie my father his affection to the Q. & it is more nor notoriouss that my father wald nevir haue bene consenting to the deathe & murther of the Lo : Darneley & to the wrak & overthrou of the Q. (than verye vncertane) to the so hiche raising of the Erle of Bothwell to wit to be the Queene hir husband with great possibilitie to Inioy the croun for | him & his, at least to haue the commandement & manage [f. 248] f. 21. thairof for sometyme hating him for his vicious & Infamous Lyffe & his manie wickitnessis & vngodlie deedis & facts (notwithstanding the great prayses & deserts ascryvit to him be Leslaeus B. of Ross contrair al treuthe) as he did. & as to the loue my father micht carie to anie hauing hand or pairt in the Lo. Darnelay his deathe & that for loue of thame he micht forzet himself so far nather Leslaeus nor anie vther of my father his calumniators sayis so in thair writs of him or that for loue or favor he boor to anie guiltie of that murther he socht to furdere it or appreeue thair of. And as to the men Leslaeus names in his Writs as guiltie or procurers thairof to wit the Erles of Bothwell Murray & Morton (for al vthers (if anie war in his opinion) of great sort I knau not) he sets them evir doun as complices & be that tearme onlie. It is weale knauin my father was littil or no thing oblischit to anie of thame for I did nevir knau anie benefit he receavit fra anie of thame. I think some tymes he micht haue bene in general freindschip sometymes withe al thrie speciallie withe the last tua as withe most noble men or of accompt not onlie in his natiue cuntrie bot withe dyvers & manie in Ingland france & vther forraine cuntries. bot that at anie tyme he wes so addict to thame or anie of thame as for pleasor or favor of [f. 248b] f. 21b. thame he wald become guiltie & partaker of sa great or anie villennie whou littil soevir I doo not think or beleeue it. for first it is weale knauin that he wes gevin to no vyces, for no bodie (albeit he had no dout bothe ennemies envyers & calumniators) evir taxit him withe anie: secondlie it is knauin manifestlie that he had a great aversion fra schedding of blood not onlie of his ennemies bot of malefactors thameselfs. For it is notorious that in the Queene her tyme & Governement als weale befor as efter hir arryvail to Scotland he caryit some

& a cheiff sway in the manage of affayres & in the governement & that in al these tymes (notwithstan[ding] our people wes nevir more violent & turbulent as than) thair died scarce anie of note be the sword of justice except ane frenche gentilman [1] for presuming to hyde himself vnder the Queene hir bed & ane of the Erle of Huntlie his sons callit Jhon taking in the feild at the ovirthrou of his father not onlie bot being verye distastful for former disobediences to the Queene hirself & hatit be al vthers carying than anie sway in the court. No dout my father had than a great desyre to haue savit his lyffe, bot the furie of the tyme being so great
[f. 249]f. 22. & the hatred the cheiff than guyders boor against his | houss & familie being so violent it lay not in his pouer to resist that violent & hiche streame or tyde of malice albeit colourit be Justice bot he wes a meane be persuading my mother than in great favor withe hir Maiestie & hir bedfellou[2] to interced ernestlie als weal for him as for his zounger brother callit Adam. Wha no dout had bene beheadit withe his brother, had not he wrocht his safetie be that meane & my mother hir ernest intercession (being at the same tyme the onlie meane & caus of the eass & favor wes grantit to al vther freindis & fallouers of the dead Erle of Huntley present in that action & in the feild in armes withe him als weal anent thair lyves liberties goodis as livings). Lykwyss efter Langsyde feild Buchanan albeit ane spyteful & bitter ennemie to my father attributs all the lenitie or spairing fra extremitie to my father his disposition & dexteritie & in the verye tyme of the civil Warres the zeirs of God 1569, 1570, 1571, 1572 & 1573 in our cuntrie notwithstanding the manie exorbitant enormities & cruelties done be the contrair pairtie in goodis & lyves of al sorts & ages & sexes favoring | relieving or easing our pairtie (to wit the Queene) nevir so littil wald nevir permit bot be al meanes did withestand & resist al violence & executions (for in that pairtie his authoritie & respect wes verye great) & no blood of the adverss & opposit pairtie wes at anie tyme during
[f. 249b]f. 22b. these troubles & civil Warres be execution of Justice & vnder

[1] Chastelard. Blank in the original.

[2] 'he being than a suter to hir in Mariage' crased.

colour of lau sched or anie ane of thame that war put to anie sort of deathe.

Al thie things being in thair selfs so manifest as hath bene heirtofore schewed I hoip no man of saf Judgement wil greatlie attribute to the bare & nakit Dixit or affirmation of the Bischop of Ross Leslaeus or zit to the assertions of Buchananus Camdenus, or anie vther the lyke passionat & viciouss writers & calumniators & mekle les to these ar meerlie ignorant of our affayres (albeit vtherwayiss learnit & Industrious aneuche) safe that thai tak fra the former or hes be trivial tales of vulgar & meer ignorant people of the true estait of things & who in thes dayis thai went.

Leslaeus Bischop of Ross in dyverss his warks & Idle Pamphlets he vsis this Cui bono or Why & to What end as ane cheiff argument & Angular stone of his ruinous building & liing pamphlets & libels | . I wil nou Inquyre at him cui bono wes [*f. 250*]*f. 23.* my father participant of that filthie & cruel murther of the Lord Darneley. nather Buchananus or Camdenus tels of anie caus or benefit or hoip of benefits micht fal to him thairby: Whan Leslaeus Bischop of Ross speakes of the authors & cheiff doers be name he speaks onlie of the Erles of Bothwell Murray & Morton. befor I haue set doun that he had no sic obligation to anie of thame & that his freindschip withe thame or anie of thame Wes not so intime & that he had no hatred to the Lord Darneley, als littil feare of him, mekle les anie dislyk or hatred to the Queene. for Leslaeus himself Buchananus & Camdenus al thrie gevis dyverss & several testimonies of his duetieful affection to hir service & of his great zeale thairtoo. & Withe ane of those thrie fornamit Erles it is most certane he nevir had anie great familiaritie to wit withe the Erle of Bothwell at anie tyme evir hating his vicked disposition & vicious humor & that the Erle of Bothwell sa sone as he becam a cheiff doer to wit wes to marie the Queene socht al meanes possible to slay my father intending & proiecting his deathe manie tymes as Buchananus does | cleirlie witness albeit God did disapoint [*f. 250b*]*f. 23b.* his wicked intents in that& preserue my father fra his treacherous snares & barbarous crueltie.

Bot certane it is sa sone as he ravischit the Q. carying hir Maiestie fra Almond bridge be west Edinborough some 3. or 4.

myls to the castle of Dunbar (albeit hir Maiesties auin castle) than in his keeping or custodie 20 myls beest Edinborough my father intendit & laborit be al meanes to put hir Maiestie at ful libertie & to frie hir for evir fra the Erle of Bothwell withe manie & great bothe labors & hazards to his lyffe & estait bot whan for our sins & of the cuntries that wes not obtenit, bot that vnhappie & vnlawful mariage wes perfytit, fra that instant he nevir ceasit to labor & woork til he wes separat fra hir Maiestie altogither withe no les danger to his lyffe reputation & estait, if that had failit & efter did concurr withe others to bring him to tryel of that his wicked fact & cruel murther. bot he escoipit & fled in denmark, whair efter ten zeirs Imprisonment he died (as some sayis) distractit of his senses.

This forsaid proceeding witnessis & schawis his great affection to the safetie not onlie of hir Maiestie hir person & estait bot lykwyss of hir consciens, honor, fame & reputation & that his affection to the Erle of Bothwell wes littil or not at al. And certane it is lykwyss that fra he discoverit the intents & malice of the Erles of Murray & Morton to bereaue & dispossess the
[f. 252]f. 24. Queene | of hir croun & lauful authoritie he left no possible lauful way vnsocht first to dissuade thame & vthers knit withe thame in that vnhappie knot. efter whan that availit not, to withstand thame in publik assemblies first at the Parlament in Scotland 1567 & efter at the assemblie of the commissionars in Zork 1568. as oft & manie times elswhair. Whan al that took no effect & that he saw the Q. to be not onlie denudit & bereft of hir croun & lauful authoritie bot also to remain a captive in hir ennemies handis, he I say my father did bothe privilie & publiklie not onlie seik be al possible meanes hir libertie Restitution to hir natiue realme & former greatnes & the Inioying of hir than lauful & richtful inheritance of the crouns of Ingland & Ireland fallin to hir be the deathe of Q. Marie of Ingland some yeares befor albeit vsurpit on hir be Q. Elizabethe than reigning hir cruel ennimie & the deteiner of her than in Prison. [1]

bot socht be al meinis possible the displacing of the Erles

[1] Blank in original.

of Murray & Morton fra thair vsurpit domination & authoritie over the realme of Scotland & be that meanes & the cours | of his actions anent these busynessis did procure & ingendre betwixt thame & him ane Implacable hatred, envie disgust or Jalousie amangest thame bot meerlie for his zelous affection to the Q. hir service & for his desyre & actions tending to that end to procure hir Maiestie hir libertie & hir Restitution to hir natiue realme of Scotland possessit & vsurpit be thame & hir Jouyssance of hir hereditarie realmes of Ingland & Ireland in sic sort as no thing wes able to quenche that thair extreme malice bot thair the Erles obediens to the Queene or the ruin of the ane pairtie as fallouit in the sequele of tymes first to the Erle of Murray, & efter to him be meanes of the Erle of Murray his faction the Erle of Morton, & Q. Elizabethe of Ingland hir forces Joynit withe the forces of the whole realme of Scotland tirannisit than be the Erle of Morton vnder the name of Regent bot not befor zeirs passit & that had interveinit manie trams of state & feats of warres & a great debate (Joynit evir withe a constant Resolution in the Q. his Mistres & Soveraigne hir service) maid be him & his pairtie as the histoires of these things (as thei ar be al recordit) doo witness whilks al his actions & cours of thame preevis cleerlie | he boor no disordinat respect or affection to the Erles of Murray & Morton thame selfs, or to thair appetits & malice against the Q. & smal likelihood thair is be the true historie & cours of what passit in these vnhappie tymes that for his auin malice or hatred to the Queene (he bearing none at al to hir Maiestie bot contraryewyss ane verye affectionat zealous ductiful respect both befor & efter to hir service, safetie & advancement) he wald haue participat in the cruel & vilainous murther of the Lo: Darneley not for anie quarrel, hatred or malice he boor to him or for anie vther his privat passion bot to the end thairby he micht woork & procure hir vndooing. & thair is be this befor so evidentlie scheuit als littil appearance that for his loue & affection to the Erles of Murray & Morton he wald ather have socht to haue vndon the Queene or zit to haue participat or mak him self in anie sort guiltie of sa hainous a crime & so odiouss a fact as that wes albeit it had bene no more nor the murther of ane Innocent considering his moderat, temperat, &

[f. 252b] f. 24b.

[f. 255] f. 25.

[f. 255b] f. 25b. vertuouss disposition as al the cariage & actions of his lyffe | doo manifestlie witnesse.

Nou sins I haue evidentlie schauin, that my father had no privat passion or interest in the Lord Darneley his deathe & Murther, & als littil for obligation or affection he had or boor to anie Leslaeus names & charges as the cheiff authors & doers of it, to wit the Erles of Bothwell, Morton & Murray & least of al boor anie malice or hatred to the Queene his Mistres & soveraigne causing him to participat thairof or to procure it onlie to vndoo hir thairby as Leslaeus affirmis of some not namit whou truelie God knaues. for in this discours I doo not intend to excuse or accuse anie bot sa far onlie as may tend to my father his acquital & purgation fra calumnies & surmises & to the Refutation of lies publisched against him.

[2] as alsua cleerlie schauin that no caus quare or cui bono is gevin ather be Leslaeus, Buchananus or Camdenus why my father did or suld participat of so filthie & cruel a Murther as that of the Lord Darneley wes, as anie may cleerlie see wha wil please to pervse thair warks it rests wee examine Leslaeus his allegations & assertions in his Idle & liing warks Pamphlets & libels to this end & what he brings for him to proue thame

[f. 256] f. 26. besidis his nakit & simple dixit | reiectit alreadie for it [is] hear befor alleagit as not woorthie or deserving anie faithe in respect of his passions, contradictions & manifest lies as befor & heirefter wil manifestlie appeare.

I find in al Leslaeus his pamphlets & libels als weal in print as writ nevir printed my father his name as guiltie or participant of this filthie murther of the Lord Darnley onlie four tymes mentionit. & these 4 tymes onlie in his books pamphlets & libels vn or not awoued be him witheout sa mekle as anie supposit name of the author or of ane author in anie of thame. & thairfor schaues thame selfs being meer libels not woorthie faithe, & to be esteemit meer lies, surmises & fables be al men. bot to the end al scruples be taken away fra the reiders & that his lies & malice be the more evident let vss consider & examin what he sayis, & whou he goes about to preeue it & to deceaue & abvse the reiders being both ignorants of his malice & of the histories of these tymes.

[1] New paragraph in original.

The first & second of his 4 tymes whairin he names my [f. 256b] f. 26b.
father as accessorie to the murther of the Lord Darneley ar in his Written liing Pamphlet & lybel almost ful of als manie lies as Woordis. becaus it being sent to strangers & to feu wha he thocht wald not examine it narroulie, & kneu littil or nothing of the true estait of our vnhappie affairs & what had passit in our cuntrie at least wald at first be admired & tak some Impression, whairby he micht acquire soome present benefit to him self befor tyme suld bring more certaine information of the treuthe of things. benefit I mean his auin privat greed being the onlie caus & but whair at he schot & for the whilk he dispersit sa manie liing pamphlets or books at several tymes in several cuntries & langages throche Europe as be his books & the tymes he wret thame in may easelie be perceavit be the Judicious and circumspect reader, taking al occasions as thai occurrit & wresting thame to his purpos for that his greedie endis. I meane his libel in writ onlie in the Spaniss tong callit Relacion de las Cosas de Escocia, & sent in spain be indirect meanes to ane person of great sort & authoritie thairin. wha he thocht wald promooue his intentions & not at first discloss the contents thairin. to manie or to vnsecret men. | [f. 257] f. 27.
Annent the first place to prooue his liing Assertions he brings onlie besidis his auin dixit or woord to this purpos (for in that place he names my father for vther things whilks I leaue nou to be answearit & confutit heirefter in thair auin convenient places to escheu confusion) the satisfaction the Engliss commissionars at Zork to wit the Duke of Norfolk Erle of Sussex & Sir Ralfe Sadler had of that was alleagit be our Queene hir Commissionars against my father than befor thame, be express command & order fra our Queene. (as he falslie affirmis) as it war be way of answer to some accusations & points layed against hir Maiestie be the Erle of Murrey & his associat commissionars against hir & amangest vther points than alleagit in that sort against my father (as he falslie affirmes) be the Queene hir commissionars be hir express command (whair he sets him self doun in that same his libel as the first as indeed he wes to the Queene hir inspeakeable & infinit losses) is speciallie set doun to aggravat vther points than alleagit against my father his Joyning him self withe the

slayers of the Lord Darneley (callit be him King in that his libel albeit in dyvers his vther books he cals him onlie Lord Darneley) as a material point to mak him odious, as in some sort be thair saying or in opinion of the Engliss Commissionars
[f. 257b]f. 27b. Culpable of that horrible murther | of the Lord Darneley. bot whou fals & vntrue is this his assertion & proof wil in the present Confutation manifestlie appeer. For it is to be markit that al this his discours (in Writ onlie) callit Relacion de las Cosas de Escocia sent secretlie in Spain conteines manie lies & feu or no treuthes safe some generals as that our Queene wes lauful & hereditairie Queene & Soveraigne Princess of Scotland wes maryit on the King of france, Lord Darneley & on the Erle of Bothwell (if I may laufullie cal the last a Mariage) The Murther of the Lord Darneley be the Erle of Bothwell his associats & fallouers. The Imprisonment of the Queene be hir auin subiects in Scotland. Thai force hir to resigne hir croun & authoritie to hir sone thane a child of a zeir old onlie or thairby. The Erle of Murray be vertue of the said vsurpation & force of his faction vsurpes the authoritie. The Q. hir retreat or flicht in Ingland, hir Imprisonment thair. The meeting of the Commissionars at Zork & the lyke general things. for verye neir al the particulars verye feu except ar manifest lies. & these treuthes ar set doun be him onlie to be a ground or fundament of the manie & absurd lies
[f. 258]f. 28. thairin conteinit | making vp that discours & libell & forcing it withe suche mater as pleasit him not regairding whether he wret treuthe or not so he attenit to his pretendit privat endis of vaine Ostentation & base Interest & als littil regairding the Weale & service of his natural Princesse & too bountiful Mistres to him (albeit more at the requeist of vthers than in grace withe hir nor for anie sufficiencie or merits schoo sau in him) doing what in him lay to alienat fra hir service (albeit in vain) be his liinge dispersit libels & vntreuths these whose servise wes more nor necessar than to the Queene, & be his weake & wrestit vnsavorie defenses seeming to defend hir fame & reputation gaue occasion to hir ennemies to insult on hir & to traduce it withe more hardiesse & applauss, & al this done be him for his base, disordinat, Inconsiderat appetits as befor. confirming be al his Idle Writs & Pamphlets the

common report goes of him, not zit buried albeit he be lang sins. that albeit he seemit in al his books & writs to defend the Queene zit at al tables whair he sat & in al his discourses he be his Idle | inconsiderat trattles (most pairt of his auin seeking) did wrang hir fame & Reputation & bring hir name [f. 258b] f. & fame more in question nor befor. bot the treuthe is that the same may be sayit or spoken of his speeches & writs as of one of the poets thair warks & writs to wit that thai haue some grund of veritie bot mixing feu treuthes withe sa manie & absurd Lies thai acquyre to al thair warks the names of fables & vntrue Inventions. I am sorie to writ in this sort of ane (as I hoip) nou in heaven speciallie being not onlie my cuntrieman be birthe & some tyme my acquaintance (albeit little than kneu I what he had written & dispersit of & against my father vntreulie) bot being ane Preist Pastor & Bischop of the Catholik Churche. bot the obligation of the ane pairt I haue to the treuthe, bot far more that I haue & does au to the Integritie, fame, name & Reputation of my father & houss or familie so vniustlie traducit & manifestlie be him wrangit. forcis me to this office & duetie & it micht haue bene in respect most of his lies against my father ar in writ or in books printed witheout his name or aven that I wald haue neglectit this office esteeming his warks or neir al of thame for libels deserving rather contempt than answer. | Zit whan I consider the wrang he hes done to my father his name in his chronicle printed in Rome [f. 259] f. in latin in anno 1578 in ane odious woord or tua wrestit be force in the text or margin on the ane pairt & on the vther seeing bothe Camdenus farce & fil his neu historie callit Annales Regni Elizabetheae withe dyvers pages & lies taken woord be woord furthe of his libels & liing pamphlets reviving as it war his buried lies against my father & perceaving some vthers mak accompt of his papers or writs I mein Leslaeus his as of Oracles & vndoutit treuthes & knauing this age more nor ambitious of the name of writers, & fearing the little Judgement of some & passion & no sinceritie of vthers in this corrupt tyme, & knauing I haue michtie malicious & potent ennemies & for my caus ar of the fame & renoun of my father perceiving it cleirlie be Camdenus his Annales etc latelie publischit & that some more ar desyrous to writ the histories of the

tymes whairin my father livit albeit most of thame knaues no thing bot what thai ar to tak furthe of passionat & vntrue
[f. 259b] f. 29b. writers at least in some things & ar not of that Judgement & knauledge (as I feare) to discerne betuixt treuthe & lies or betuixt Passion & sinceritie conteinit in thame to obviat to what Ambition albeit ignorant to be writers or hoip of base interest to procure gayne & favor of the michtie may induce thame too to resuscitat as it war Leslaeus his lies to my father his preiudice, if thai remainit withe ful authoritie & not confutit. Efter great consideration I fand myself in duetie bund to writ this discours & in thir termes to frie my father his name & fame fra his & vthers thair Imputations & surmises albeit he or thai be dead or may be becaus thair warks, not onlie livis, bot ar & may be daylie more & more revivit.

Leaving nou al thir in some sort necessar digressions, heir befor & returning to the Mater & to examination of his assertions reasons & prooffs to mak my father guiltie of the Lord Darneley his deathe. His first is in his (Relacion de las Cosas de Escocia) as befor alleaging for proof of it he brings his Joyning withe the actors or doers thair of thairefter & that the Queene hir Commissioners at Zork did alledge that point (& vthers to be refutit in thair auin places heirefter) becaus nou thai ar not to this purpos against him be express ordor &
[f. 260] f. 30. direction fra the Queene for answer | to some points in the Erle of Murray & his associat commissionars thair accusations of his Maiestie before Q. Elizabethe hir Commissionars at Zork as befor in anno 1568, as maist vrgit be thame to prooue hir guiltie of the Lord Darneley hir husband his murther & that the Engliss Commissionars restit satisfyit withe thair answer in respect thai kneu in thair myndis or opinions that my father Joynit himself withe the murtherers of the Lord Darneley. The feu woordis & lynis he writs to this purpos (being weale examinit) conteinis more lies nor woordis for first certane it is that tua of the Engliss Commissionars to wit the Duke of Northefolk & Erle of Sussex had nevir anie sic opinion of my father, bot war his greate & deere freindis als weal befor as efter that meeting at Zork, 1568, til deathe did separat it & not onlie thai bot almaist the whole Engliss nobilitie at least sa manie as kneu him (as manie did) making

more accompt of him nor commonlie thai did of strangers whilk thai wald nevir haue don if thai had fund him guiltie of anie vilennie | mekle les of sa beastlie & filthie a murther as the [f. 360b] f. Lord Darneley his wes & sa odious to thame or if thai had thocht him in thair myndis guiltie of it. for no thing maid him so estemit of these tua noblemen to wit the D. of Norfolk & Erle of Sussex & of vthers als weal in Ingland at home as abroad in forraine pairts of al sorts qualities & estaits of people that kneu him as the opinion thai had of his woorthe & vertues bot speciallie of his sinceritie & honestie, & as to the thrid Engliss Commissionar to wit Sir Rafe Sadler, albeit in cours faction & affection thai war quyt contrair, euerye ane of thame I meane my father & he seiking to promooue & advance thair Mistressis services so repugnant than as evir befor & efter & opposit to vthers as that answer of ane Writer Vita Conradi Mors Caroli, Mors Conradi Vita Caroli micht haue bene better applied to these tua Quenes & said Vita Elizabethae Mors Mariæ Mors Elizabethae Vita Mariae. for the first tua Princes I mean Conrad & Charles war in debate & controversie for the Realme of Naples bot grunding thair richts & titles on dyverss fundaments ane whairof mycht weal stand witheout the vthers Infamie. for Conrad claimit it be lineal succession of Blood, & Charles be the Pope his donation. bot the realmes of Ingland & Ireland | being chalengit at least tacite be bothe [f. 361] f. be lineal discent of ane lyne & the ane grunding hir title on the vthers incapacitie be bastardice being infamous in itself: no mervel, if thair controversie wes not composable nor thair hid quarrel of possibilitie to be endit or extinguischit bot be the deathe of ane of thame. I say that notwithstanding of my father & Sir Rafe Sadler thair oppositions & contrair courses for thair Mistressis services, it will nevir be provin that Sir Rafe Sadler had or did conceaue anie sinister opinion of my fathers preud hommie, sinceritie or vertue bot evir did esteme of him as of ane gentilman of honor & great woorthe, making scheu & demonstration thairof to the hovr of his deathe.

And to coome again to the opinion the Duke of Norfolk had of my father Buchananus in his chronicle writing of that thair meeting in Zork. 1568. schauis plainlie whou intime &

confident my father wes than withe the D. of Norfolk & that in secrets & maters of greitest importance he delt withe my father
261b] f. 31b. onlie of the Scots nation | and that he did not communicat or impairt things tending to our Quenes service weale or benefit withe the B. of Ross Leslæus albeit than first in commission for the Quene & as it war the onlie directer of hir busienesses in that place in respect he wes a lawyer be profession. & that it wes requisit things suld be done formallie, bot be mediation of my father, likelie thinking him nather so capable or so secret as to trust him withe maters of suche danger & Importance as these than in hand betuixt him & my father wes & I think no more wes than impairtit to him bot sa far onlie as wes necessar the Quene I meane our Quene suld knau be him, as being than hir first Commissionar & cheiff minister in that place.

Albeit be Buchanan his discours at that place & efter it appeares as lykwyss it does be Thuanus at that place & be it Camdenus writs anent the Duke of Norfolk his intendit mariage withe our Quene & his arraignement & be manie circumstances that betuixt the Duke of Norfolk & my father wes al than plottit & begun that wes intendit to haue bene done in bothe realmes of Scotland & Ingland for the service of our Quene for the reestablisching of hir authoritie in Scotland & for the assurance of hir succession & Inioying of the Crouns of
262] f. 32. Ingland & Ireland & for | the great weale & manie changes to the better in most pairts of Christendome whilk be consequens of so great ane change in our Iles must of necessitie haue follouit in some vther realmes & provinces of Europe in respect of the tyme & as things war than disposit in thame & no dout the things betuixt thame tua than blottit & concludit war so greate & of sic consequens that the estait of things in the whole Ile war more nor like to haue bene changit, & thai had contrivit thair busyness or framit it so weale als weale in respect of thair proiects & mindis to cumpass thame as in respect of thair pairtie to fortefie & prosequut thair desseings & withe suche chose bothe of persons fit, tyme & vther circumstances that it wes be al men Judgit as most Judiciouslie & consideratlie devysit & strongelie buildit & that not onlie be the wyser sort & vthers withein the Ile bot be K. Philip the K. of Spain a most wyss Prince in that age estemit as witnesseth

Hieronymus Cathena in the lyffe of Pope Pius. 5. & manie forreiners, as that nevir nothing of that nature wes wyser contrivit or stronglier framit (albeit for our sins I mein of the Ile & | of Europe it Pleasit god not to grant it thair wissit success [f. 262b] f. 32b. or did permit the warss & weaker caus & pairtie to prevaile) & as I hoip no man on the ane pairt kan imput to my father anie defect in that wes his pairt anent the prosequution & execution thairof to the end thairof (or at least till it pleasit god to put ane end to it & him bothe togither at the taking of the Castle of Edinborough the last act of that tragedie & vnfortunat plote in anno 1573) safe hir Maiestie hir Martyre in anno 158[6][1] Whilk propertie is a thing per se & no pairt or sequele of thair plot & pretences at Zork in anno 1568. So I think on the vther pairt no man kan in reason say tua men not extreme confident to vthers being bothe estemit wyse & considerat wald haue intendit so dangerous a wark & thairfor I may boldlie affirme that to the Duke of Norfolk my father wes confident & be the Duke weale estemit & that the Duke had no opinion than & efter that my father wes ather guiltie of the Lord Darneley his murther or of anie vther vilennie than layit to his charge as Leslaeus his liing pamphlet Relacion de las cosas de Escocia bears or of anie vther whatsumevir. for in al the Duke of Norfolk his examinations, proces at his arraignement & execution it is not to be fund that he spak ane | woord to the [f. 263] f. 33. reproche of my father or that he complainit of him in anie sort. albeit he acknoueledgit him the first motioner to him of the mariage withe our Quene & consequentlie of al that plot & trame to thamselfs & to manie others very vnfortunat, bot it is certane as Camdenus pairtlie & sparinglie witnesseth not onlie the Duke bot manie vthers in Ingland of gude sort & the best qualities did heovelie complaine of the Bischop of Ross Leslaeus his depositions against thame his vnsecresie in that busyness & vther his vnconsiderat & vnprovident pairts.

As my father wes to the Duke confident, no dout so was he to the E. of Sussex wha than & a gude tyme efter ran the same cours the Duke did, as efter did the greatest & best pairt of the engliss ancient nobilitie & vthers & did al confidentlie

[1] Figure lost.

deale with my father, esteeming of his Judgement dexteritie & sinceritie in sic sort as albeit in the manage of thair busyness in hand for thair pairts thai in most things in opinion differrit zit anent him in opinion thai concurrit chosing him furthe by ane vniversal consent to act the difficile pairt of
[f. 263b] f. 33b. that tragedie (as vnhapplie | efter it proovit) to wit to impairt our Quene hir intendit mariage with the D. of Norfolk to Q. Elizabethe & to procure hir consent & approbation thairtoo. as Camdenus pairtlie witnessithe. I think this for aneuche to belie Leslaeus & to impreeue that pairt anent the Engliss Commissionars at Zork thair opinion of my father his giltines of the Lord Darneley his murther.

To Induce the former alleagit Opinion of the engliss commissionars at Zork he mentionis my father his joyning himself withe the murtherers of the Lord Darneley. as a cheiff caus of that thair opinion.

As he lies impudentlie of the Engliss Commissionars thair Opinion of my father anent the murther as is before cleerlie scheued so dois he in alleaging my father his Joyning himself withe the murtherers. For at that tyme the Erle of Bothwell & his servants & followers onlie war chargit as murtherers of the Lord Darneley & withe him nather befor or efter the murther did my father joyne bot be the contrair did prosequut the Erle of Bothwell as guiltie of that murthea & of the
[f. 264] f. 34. Ravisching of the Q. to the vtermost & to his | final destruction & overthrou & this is easelie to be provin be Buchananus in his Historie (no thing better affectit to my father nor Leslaeus himself be Thuanus or President de Thou in his 40. book of his Histories (ane wha appeirandlie willinglie writs the warst of my father he kan at al occasions the caus as I ghesse be his Writs becaus my father oppugnit the Erle of Murray his Governement who he extolles in the saids Historics as vertuouss & woorthie bothe aboue his deserts & against the treuthe zea more nor Buchanan himself does) & be vthers writers of the tymes.

For as to the noblemen & vthers he Joynit at that tyme withe to frie the Quene fra Captivitie, to assure the Prince nou our King & of al Britayne his lyffe fra the murtherers of his father, & to prosequut the guiltie of the said Murther be ordor

& cours of Law to remoue thairby or tak away the slander thairof off the whole nation. Thair wes not ane of thame evir to this day chargit or suspectit as guiltie thairof except the Erle of Morton (for the Erle of Murray wes than in france & I doo not comprehend|the Erle of Argile namit be Buchanan [f. 264v] f. as ane that subscryvit to that band, for if he did he left thame instantlie & did not concur withe thame that Joynit in anie sort to thir forsaidis endis) & in this place I am not to charge ane of thir thrie as guiltie of the said murther least of al Argile albeit be Buchanan Leslaeus & vthers he be chargit thair withe. for presentlie I am not to accuse or excuse anie safe so far as the nature of the busyness I haue presentlie in hand sal force me too. & this is more nor aneuche against his simple dixit I meane Leslaeus his for he brings no vther prooff for his alleaging that my father joynit himself withe the murtherers.

Nou to remooue the scruple that the Erle of Morton wes ane of that band. It is to be considerit that whan that band of some of the Nobilitie & vthers wes maid at Stirling no man of Judgement did esteem the Erle of Morton as suspect mekle les guiltie of that murther as being the Lord Darneley his neer keensman to wit in the second & thrid degree of consanguinitie, & who pretendit|than no les Innocence of Horrible [f. 265] f. 3 & vilde murther than the rest of thame beeing meere Innocents of that crime did, & no les zeal to the Q. his Soveraigne hir friedome & libertie fra the Erle of Bothwell his bondage & thraldome, to the safetie & Preservation of the than Prince & nou K. of Greate Britayne his lyffe, & to the due punisment be cours of Lau of the saidis murtherers of the Lord Darneley. Whither he wes guiltie or Innocent non est huius loci or it is not nou necessar to be examinit. for it was aneuche for my father & the rest joynit withe him to thir endis to esteeme him Innocent of it knauing no thing in the contrair & he being necessar to thame at that tyme to atteen to thair forsaid endis. & as to the obiection may be to this alleagit as written be Mr Archibald Douglas in some his lettres manie zeirs efter to our Q. than prisoner in Ingland be caus it is to be fullie answerit in the auin place I reserue me to answer it thair to escheu confusion & Idle repetitions & becaus it is not alleagit

265b]f. 35b. be Leslaeus in this place or book or pamphlet bot in ane| vther written manie zeirs efter to receaue the auin answer heirefter in the due place as befor. Bot nou putting the cace that the Erle of Morton & dyverss vthers of these Joynit togither in that band or action had bene not onlie suspect bot actuallie guiltie of the Lord Darneley his deathe, is that sufficient to mak vthers of thame Joynit in that band or action or anie ane of thame altogither Innocent to be thocht guiltie onlie for Joyning in this band or action withe these or anie guiltie. I think no man of sinceritie & Judgement wil Judge so.

For it is to be vnderstood that be vertue of that band or action thai war onlie tyit & bund to thair former thrie ends to wit to procure the Quene hir libertie the Prince his safetie, & punissment of the murtherers of the Lord Darneley conforme to Law & equitie, yea not tyit or bund to anie vther thing or ane of thame to defend vther in anie publik or privat general or particular quarrel, action, crime or busynes civil or criminel.[1]

For it is to be vnderstood for the more cleiring of the treuth & manifesting of Leslaeus his lies calumnies & extreme b . . .[2] malice that efter the Quene wes ravischit at Almond or Cramo[nd] bridge be the Erle of Bothwell some tua monethis or littil m . . . efter the murther of the Lord Darneley
266]f. 36. committit lykwyss by him | & caryit forciblie be him to Dunbar in the monethe of Aprile. 1567. some of the nobilitie did assemble & conveen thameselfs togither soone thairefter at Aberdor. Whairfra thai sent a lettre in common fra thameal to hir Maiestie than in Dunbar Castle as a Prisoner keepit be the Erle of Bothwell of the date. the 27. of Aprile 1567. be my father to lerne thairby hir estait & to Inquyre & knau hir wil & pleasor anent hir delyverie & friedome fra that captivitie so far as wes in thair pouer or possibilitie to that end. Whair my father ran great fortune to haue lost his lyffe be the crueltie of the Erle of Bothwell for bringing that message & for Impairting freelie & sincerlie some advyses or councels to hir Maiestie anent hir weale consciens & honor as became

[1] The whole of this paragraph is crossed through in the original.
[2] End of word lost in the binding.

a trustie servant & faithfull councellor neglecting thairby altogither his auin safetie & lyffe for the duetieful affection he boor to hir Maiestie.

For the Erle of Bothwell being hichlie offendit withe my father his message & advysis or councels gevin to hir Maiestie & fearing hir Maiestie wald follou thame or at least that my father wald searche & find vther meanes for freeing hir Maiestie fra hir captivitie & bondage socht al meanes to be rid of him & seeing he | had no hoip to win my father to be his or to [f. 266b]f. conniue at his vilennies & wickitnessis & fearing his dexteritie & credit in the cuntrie socht al meanes possible to slay him, & first he moouit or proposit it to the gentilmen, wha war his freindis than present withe him to slay my father (becaus my father wes not than alone bot weale accumpaniit withe dyvers stout & woorthie gentlemen & vthers his freendis & fallouers albeit not in number or force comparable to thame in the castle) or to cast him in his furthe cumming over the craig in the sey. Wha al or for the most pairt flatlie refusit him, yea the greitest pairt neir al bot speciallie al the Principals said directlie to him that albeit thai lovit his Lordship weale & had fallouit him als weale in bringing the Q. to that castle, as in some vther things befor tending to his weale or honor, zit in na sort wald thai be content or permit that my father his blood suld be spilt or that he suld receaue anie harme whair thai micht let or hinder it. & if anie went about to hurt him in thair presences thai wad tak plain pairt withe my father.

Whan that his plot failit be the freindschip the gentlemen thair withe him boor to my father for kinred, allia, freindschip or nychtboorhood, for the erle, my father & thai al war borne neir nichtbors to vthers. He resolvit to slay my father [f. 267]f. aboue in the Quene hir chamber & presence & to that end dreu his dager to stob my father at vnwars or not witting, bot hir maiestie did espyit & did dryue my father be hir bak bakward betuixt the bed & wal & woor him withe hir handis fordward & efter be faire speeches & woordis of authoritie did stay the Erle of Bothwell fra that violens in hir presens for that tyme (as oft befor & efter in the lyke sort) & in the meane tyme vthers resorting to separat thame & to stay the Erle of Bothwell fra Invading my father, wha sa soone as he had endit his

busyness withe the Quene did retire himself furthe of the castle being accumpaniit for his greater safetie be the greatest pairt of the gentlemen withein the castle, albeit vther wayss freindis & fallouers to the Erle of Bothwell in that his action als weale as withe his auin til he wes in place of ful safetie. Whilk wes sa sone as he wes frie of the castle.

Efter my father his returne to the noblemen & vthers than convenit in Stirling expecting answer & the Resolution of his messagc & thair lettre sent be him to the Quene, & seing no
267b]f. 87b. appearance of hir Maiestie hir libertie or freedome fra | that extreme miserie & infamous bondage except be force & considering on the vther pairt That the Prince nou our king & of great Britayne wes in extreme danger of his lyffe being than not coome to the tent monethe of his age & vnable to doo anie thing for himself, being the vndoutit heyre apparant of the Croun & to his mother the Quene than thair Soveraigne in respecte the murtherer of his father wes so strong as not onlie he wes as it war furthe of the feare of punissment ather for that filthie & cruel murther or zit for the Ravisching of the Quene bot be the contrair wes more nor lyke to dispose of Quene Prince & cuntrie at his pleasor except that thai be concurrens & jointlie vniting thair meanes & pouers suld dryue him fra that his vsurpit authoritie & consequentlie bothe releeue the Quene fra that miserable bondage & the Prince fra the imminent danger of deathe hanging over his head hourlie, & the whole Cuntrie & commonwealthe fra ane extreme confusion lyke to ensue if his vnlauful pretendit mariage withe the Q. suld tak effect. Thairfor thai resolvit seing admonitions & advysis war not lyke to prooue pouerful to hinder & stop the
268]f. 88. said vnlauful pretendit mariage | to make some scheu of force & authoritie & to that end maid a band or lige at Stirling the first of Mai. 1567.[1] comprehending onlie thrie headis or points to the whilks thai war bund to wit to procure the Quene hir libertie & to defend hir thairvnto, to Procure the Prince his safetie & to defend him fra al dangers, & to Procure the commonwealthe of the Realme & libertie thairof so far as in thame lay. Thai hopit that this thair lige withe the general

[1] 1 May 1567.

grudge & exclamation of the whole people wald haue bene sufficient to haue terrifiit the Erle of Bothwell & maid him set the Quene at libertie & absteen fra that his pretendit mariage withe hir & segregat himself thairefter fra her. Whilk being obtenit thai intendit to remooue fra the whole nation the infamie & reproche of that the Lord Darneley his filthie murther to haue be the ordinarie & due cours of Law rypit furthe the grund authors, actors, guiltie & partakers of that filthie & barbarous crueltie & efter due tryal to procure the condigne punissment thairof conforme to equitie & Justice.

Bot whan thai saw that nather thair diligences in Dunbar & efter in Edinborough oft nor concurrens or lige in Stirling took anie effect bot be the contrair. that the Erle of Bothwell remainit stil possessor of the Q. & in his formes had maid that [f. 268b] f. vnlauful mariage to be celebrat & that vnder pretens thairof he wes lyke stil to detene the Q. in that infamous & detestable bondage & be hir authoritie to rule & command the cuntrie & realme at his disordinat pleasors & appetits. having alreadie possessit himself of the Castles of Edinborough & Dunbar being the cheiff and most importing forteressis of the realme laking no thing to establiss his tirannie & to bring the croun & Jouyssance of the realme for ever (in his concept) to him & to his posteritie bot the lyffe of the Innocent fatherles child the Prince & thair witheal to burie for evir the quarrel pursute danger & action of the murther of his father the Lord Darneley in the sone I meane the Prince his blood. & that no speeche mekle les punissment or revenge thairof or thairfor suld be thairefter. Whilk in a short tyme he wes more nor lykelie to haue obtenit (as things than went) if no Resistans war suddainlie & tymouslie to his manie als weal committit as intendit violences & vilennies.

Thairfor I say The Nobilitie & vthers opposit to Tirannies & mischeiffes als weal Joynit in Aberdor Stirling verye feu except as efter Thocht it more nor meit expedient & necessar not onlie to prosequut thair former proiect & contents in thair lige & band at Stirling | anent the freeing of hir Maiestie fra [f. 269] f. 3 sa filthie & abhominable a bondage (albeit vnder pretens of Mariage) The assurance & safetie of the Prince his lyffe Bot also for Prevention of his futur intendit mischeifes Judgit

it most necessar to set doun cleirlie & manifest plainlie thair intention to see the saidis Rapt of the Quene & the filthie murther of the Lord Darneley condignelie tryit & punischit als weal in him the cheiff actor as in al vthers in anie sort guiltie thair of as lykwyss to see that Justice suld be indifferentlie & truelie ministrat to al the lieges & vthers in the realme conforme to reason & equitie.

For thir respects manie or the greatest pairt of thame Joynit in Aberdor & Stirling withe manie vthers withe thame of al estaits maid ane neu band or lige in Edinborough the 16 day of Juin, 1567. be the whilk efter declaration of the causis mooving & inducing thame to mak the said band, to enter in the said lige & to tak on armes.[1] Thai promisit & war strictlie & cleirlie bund nevir to leaue armes bot to concur truelie til the Authors & vthers guiltie of the murther of the Lord
269b] f. 37b. Darneley & | Ravisching of the Quene war condignelie punischit his, I meane the Erle of Bothwell his vnlauful mariage withe the Quene disolvit & annullit. The Quene fred & relevit fra that ignominious thraldome & bondage schoo levit in as captiue (albeit vnder the pretens of that vnhappie mariage) The Person & lyffe of the Prince assurit fullie & til Justice war restorit & richtlie ministrat to al the subiects & vthers in the realme.

Efter this band lige or contract wes maid subscryvit be manie & maid patent & manifest be publik Proclamation to al & not ane of al the subscryvers Judgit be my father or vthers as guiltie of the said murther of the Lord Darneley or of anie of the crimes specifiit in the said band & opin Proclamation conforme thairtoo, zea except the Erle of Morton nevir ane of thame wes evir to this hour publiklie or privatlie chargit thair withe & he wes not accusit thairof til manie zeirs thairefter zea & lang efter my father his deathe to wit in the zeir of God. 1580. & no sooner. So that the allegation of Leslaeus Bischop of Ross alleaging the Engliss Commissionars to haue thocht my father guiltie of the Lord Darneley his deathe be reason of his Joyning himself withe the murtherers is be this true Narration & discours hear befor easelie & cleerlie convincit of vntreuthe & of meer malice & spyt.

[1] After Carbery.

And albeit the Erle of Morton & vthers than Joynit in that band & action had bene knauin & | vniversallie reputed as guiltie zit that culd not haue bene aneuche to haue maid vthers guiltie onlie for Joyning withe him & thame. [f. 270] f. 40.

For we daylie see that whan wickit people ar ather michtie or manie & kan not easelie be overtaken or punischit be the Magistrat that the Magistrat zea although it be the greatest wysest & michtiest Christian Princes or states in Europe ordinarlie gevis & promises not onlie forgiuenes & impunitie bot rewardis & benefits to some of the offendors to the end vthers of thame may ather be thair meanes or help or at least be the easyer overtaken & punischit. & in this cace the Erle of Morton had no promiss mekle les assurance of Impunitie of anie of thame Joynit in that band & action. And as the estait of things wes than Policie & wisdome requirit at least connivers for a tyme to anie wald Joyne withe thame in these busynessis. for albeit thair caus wes most Just as be the causis & contents of the forsaid band may easelie appeir. zit certane it is that thair force being altogither wes more nor weake. The Erle of Bothwel being possessit of the Person of the Q. & of hir authoritie & force. & thairfor thai had no reason to refuse ane or anie willing to Joyne withe | thame albeit of far les pouer wisdome or authoritie nor the Erle of Morton wes. [f. 270b] f. 40b.

For he being of great wit action pouer & authoritie as he wes than, & not onlie Erle of Morton bot in substance or effect for the tyme or sa lang Erle of Angus being vnkil or father-brother brother[1] & Tutor to the zoung Erle thairof. & be consequens Cheiff & head of the Douglasses ane of the cheiff bot witheout question most Popular familie of the kingdome withe manie servants dependers & fallouers. What reason had thai or culd haue to refuse his concurrens. Whilk if thai had done be force thai had driven him to the opposit pairtie & fortifiit it so mekle the more against al policie & discretion.

Nou may be Obiectit to this discours forsaid what proof bring I for verification of the causes & contents of the bandis at Stirling & Edinborough. The Original Bandis subscrivit be manie at least the last in Edinborough be a great number of al

[1] *Sic.*

the thrie estaits & the first at Stirling be dyverss of the Nobilitie & the Publications or Manifests fallouing thame publischit wil easelie prooue this Written be me anent the causes & contents of the ligs & bandis to be true. Lykwyss Buchananus, Thuanus Leslaeus & vthers in thair writs declaires the cheiff, Principal
71[f. 41. & most essential or importing causes, albeit partiallie or sa mekle onlie as maks for thair drifts or intents albeit contrair & opposit to vthers speciallie Buchananus & Leslaeus (for Thuanus hes al his information fra Buchananus albeit sometymes he seemes to say more or les nor he does or to differ fra him in some things) Bot hear is to be Markit in examination of this busyness as it is written or left vnwritten the Malice craft & perversnes als weale of the tua namit to wit Buchananus & Leslaeus as of Camdenus.

For This last his end in writing his Historie I meane Camdenus being to flatter & please some Personnage als weale dead as living purposelie omits to writ of thir bandis causis of, or contents in thame. becaus his purpos being to detract fra some & to calumniat thame at al occasions speciallie my father to please some living of great authoritie & pouer, & knauing he kan not writ of this action to wit of the releeving or freeing the Quene fra the captiuitie of the Erle of Bothwell of the assuring of the Prince nou our king his lyffe & of the expulsion & s gregating of the Erle of Bothwell fra the Quene wham he had abusit in infinit sorts. witheout expressing my father his merits & bereaving himself thairby of libertie to calumniat him & to etract fra his merits he being purposit for pleasing of
71[b]f. 41[r]. some of pouer & great authoritie to wrang my father at al occasions takin & farsocht albeit extravagantlie far furthe of purpos.

For this action intendit to separat the Erle of Bothwell fra the Quene & the performance thairof bringing be consequen the Quene hir fredome fra his bondage & the safetie of th Prince his lyffe hir sone is the fundament & grund of man things efter done, or rather the key or square to level or op the intentions of manie being applyit richtlie & truelie thair futur actions & speciallie of my father his intentions fr fra al privat interest or passion & fullie to the weale hon & service of his Prince & cuntrie. & for this causes malicious li

does Camdenus absteen fra mentioning in his Annales this action the causes & contents of this band.

Buchananus intending cheiflie to wrang & charge the Quene hir pairtie & fallouers & al thair actions & to favor extol praise & defend the Erle of Murray his pairtie & fallouers his & thair actions as may easelie be perceavit be the cours of his historie of Scotland. Perceaving tua headis of the band or lige in hand to be most material & importing & perceaving the expressing of the ane does tacite tax & preiudge the Quene as he wrests it & does directlie mak for hir opposits zea for the Erle of Murray himself albeit than absent in france, because he joynit with hir opposits | at his returne & maid that head or [f. 272] f. article of the band to be the grund or reason of al his & thair sturs & vprores. Thairfor he sets it doun allane & to be the onlie caus of that thair stur & action to wit The safetie & Preservation of the Prince his lyffe.

The vther cheiff or not material head or article of that band & lige ather at Stirling or Edinborough is purpouslie & most maliciouslie omittit & left furthe of his historie becaus it maks directlie for the Quene & hir pairtie or fallouers in the efter sturss speciallie for my father, wha he intends to wrang no les nor Camdenus does for the privat malice he boor to him for seeking to advance the Quene hir service as duetie band him & for oppugning the Erle of Murray his Patron & darling his vsurpit vnlauful authoritie as directlie opposit to the Quene as in his Historie in manie places appeares evidentlie, & becaus it maks directlie against the greitest pairt or neir al the subscrivers of that band being the pairtie opposit fra that tyme to the Quene hir fame honor state & authoritie & wald haue argued & convincit thame directlie of periurie Infamie & treacherie thai being in substance force & authoritie al the Erle of Murray his freindis & pairtie having so directlie manifestlie | & sudainlie [f. 272b] f. contravenit & come against thair hand writs, manie Protestations & publischit manifests conforme to the tennor & contents of thair subscryvit bandis bearing cleerlie & expresslie the vther material importing head or article of the band as caus of that thair action & taking armes to wit The freeing & delyvering of hir Maiestie the Quene fra the Captivitie & infamous Bondage the Erle of Bothwell keepit hir in. & The putting hir to ful

libertie. for thir causis he of purpos omittis & leavis furthe this head in his Historie & leaving it furthe he kan not goodlie insert the rest les importing except he vter it his auin malice craftie decept & littil or no sinceritie albeit to people not weale versit in our thinggis he seames a true historiographer he hes so craftilie & in so guid a stile framit his discours. bot be this preceiding his Partialitie, decept & no sinceritie may easelie be perceavit.

Leslaeus being the last of the thrie bot no les perverss malicious or vntrue nor the former tua & having his auin drifts, intents & privat endis taks no more of this or thir bandis or ligs nor maks for his purpos & Thairfor being directlie opposit to Buchananus he inserts bot ane caus article or head of thir forsaidis bandis or ligs in his book callit Martyre de la Royne D'Escosse omitting & leaving furthe of purpos & craft as rather opposit to his intents nor making for thame the rest of the
[f. 273]f. 41. headis & articles of thame & speciallie the head | or article insert be Buchanan his Historie of Scotland for as Buchananus mentionis onlie the safetie of the Prince & Preservation of his lyffe to haue bene the onlie caus of the making & insertion of these bandis or ligs witheout anie mention of the Quene hir libertie & friedome.

So doeth Leslaeus onlie insert & mention in his book callit Martyr de la Royne d'Escosse (the most authentik of all his books or Pamphlets & most authorizit (except his Historia Scotorum) not for the veritie or truethe thairof albeit it conteinis some treuthis or becaus he avouis it as his whilk he does not at al more nor the rest of his lies libels & pamphlets, bot becaus it is the last of thame hes a true or supposit name of the Printer & plac whair it wes printit, bot most of al becaus the general title thairof is most true to wit the Martyre of that Blissit Quene albeit it conteen a number of Impudent lies & vntreuthes albeit mixit withe some treuthes, as thai maid for his privat drifts & endis) so I say doeth Leslaeus onlie insert one caus head or Article of the saidis ligs or bandis taken be thame as the onlie Pretens of al thair tumults & seditions against the Quene in his said book of Martyre de la Royne etc. to wit. The friedome & libertie of the Quene fra the Captivitie
[f. 273v]f. 43v. & servitude of the Erle of Bothwell | witheout anie mention

of the vther head or article of the saidis bandis or ligs annent the safetie & Preservation of the Prince his lyffe.

In the whilk doing as he schauis himself opposit directlie to Buchananus as he is to him lykwyss so does he schau & manifest himself no les partial & vntreu nor Buchananus is.

The reason that maks him insert that ane head or article of the bandis or liges as the onlie caus of thame at least pretendit as he alleages anent the Quene hir deliverie fra Captivitie & that directlie & purposelie he omits or leaves furthe of his book of Martyr de la Royne the vther anent the safetie or Preservation of the Prince his lyffe & the rest of the headis or articles in thame is becaus on the ane pairt he intendis to convince the makers of these bandis of decept, falset, Infamie, periurie, & treacherie in respect of the Quene hir Imprisonment in Lochlevin & accusation etc. in Scotland & Ingland, & on the vther he intendis to mak thame al alyk guiltie of al that fallouit witheout examination or consideration of the intents or desseings of anie of thame & this he cheiflie does to bereaue my father of his merits & deserts als weal anent the procurement of the Q. hir libertie as anent the Prince his safetie & Preservation of his lyffe etc. conteinit in these bandis & vthers his deserts & merits in these tymes anent | these & sic vther [f. 274] f. 44. things as then occurrit.

The caus why he heatit my father & socht al wayis & meanes to stayne his fame (be caus he than culd doo to him no more harme I meane the tyme of his writing the Martyre de la Royne etc.) wes the great affection & obligation he had to the Erle of Bothwell & the sentiment or feeling he had of the loss of his hopit preferments & wealthe be his meanes & the fal fra his levings & meanes be fallouing the Erle of Bothwell. Ascriving not onlie his ane in losses bot the decadence & vndoing of his Patron & great benefactor & creator the Erle of Bothwell to my father & Thairwitheal he thoct himself so ingagit be his former liing pamphlets and libels against my father in the heate & fume of his Passions whan he scarce kneu or cairit to knau what wes treuthe or vntreuthe in the beginning of these broyles & sone efter the expulsion of the Erle of Bothwell, that he wes forcit (as he dreamit or thocht it vnadvisitlie) being to writ againe at least to fallou the tune of

his former songes. & this the Bischop of Ross his favor to the Erle of Bothwell & his hatred to my father is so plain & evident in most of his liing warks that it neidis no forder prooue.

274]f. 44b. So that the tua Leslaeus & Buchananus albeit severallie opposit to vthers preevis cleerlie the tua most Material & importing headis to wit Buchananus that of the Prince his safetie & Preservation & Leslaeus that of the Quene hir libertie & friedome fra the Erle of Bothwell his Captivitie, the first in his Historie of Scotland in latin & the vther in his Martyre de la Royne d'Escosse in frenche. Whilks being grantit of necessitie the Erle of Bothwell must be directit & opposit to danger of Law for murther of the Lord Darneley. Whilks thrie headis ar the Onlie Particular headis & causis or articles of the saidis bandis or ligs as I haue befor alleagit.

And for farder prooff that thir thrie headis anent the Quene hir libertie fra the Captivitie of Bothwell, The safetie & preservation of the Prince, & the Punissment of the murtherers of the Lord Darneley ar speciallie set doun in the said band at Edinburgh befor oft mentionit Laslaeus in his frenche book witheout aveu callit L'Innocence de la Royne d'Escosse Printit 1572 in the 50 leafe thairof sets doun thir saidis thrie headis or articles cleirlie as contenit & speciallie expressit in the manifests & Proclamations of the Nobilitie &

275]f. 45. vthers | took armes in the monethe of Juin 1567.

Be this lang digression & discours most necessar for manie things hearefter appearies manifestlie the malice perverssnes & no sinceritie of the saidis thrie authors Leslaeus, Buchananus & Camdenus. As lykwyss the true grundis of manie thair efter desseings & plots, & of the great trubles thairefter. Albeit feu in tham proceidit withe that integritie & sinceritie as wes requisit or be thame Pretendit.

Bot I hoip things be richtlie knauin & truelie considerit that my father his dealings sal appeir sincer, his Intentions vpricht, & his endis & midis lauful & honest & his aimes or Pretences meerlie for the weale of his Prince & cuntrie witheout Privat passions or base interests.

To returne to our Purpos or mater again Leslæus in his Relacion de las Cosas de Escocia to mak it appeir that the Engliss Commissionars at Zork thocht my father in their

myndis guiltie of the Murther of the Lord Darneley he props his tua former lies to wit that anent thair opinion of my father his guiltines, & that becaus he joynit efter withe the guiltie or committers of that vild murther alreadie confuted hear befor. Withe this his thrid lie to wit | That the Quene gaue express command to hir Commissionars at Zork to allege the things insert in that place in his said liing discours Relacion etc. pairtlie alreadie confuted & the rest to be hearefter in thair proper place against my father.

This his lie is no les evident or malicious nor the tua former for certane it is the Quene gaue no ordor, direction or command to hir Commissionars at Zork to speak anie thing against my father or to his reproche or disadvantage, mekle les to mak sa hainous & diveliss lies against him. bot becaus the greitest pairt of thir his lies in this place ar to be confuted in thair more proper places heirefter I leaue thame nou, & wil onlie seik to refute this his lie anent the Quene hir direction or command to hir Commissionars at Zork to speake or alledge anie thing against my father or to his reproche.

For certane it is be my father his anterior & Posterior actions that he evir did greatlie tender the Quene hir weale & honor & did loue hir dearlie as his Mistres & Soveraigne & this his affection & zeale to the Quene hir service is easelie provin be that is written be Buchananus, Camdenus, Thuanus, Didimus Veridicus (alias Doctor Stapleton) Michael ab Isselt, Holinshead & vthers, zea & be that is written be Leslæus, Bischop of Ross | himself al in thair writs of Scots things or affaires of Scotland albeit insert be some of thame in general or particular histories or discourses of vther cuntries al in the Latin toong except Holinshead, & that the Bischop of Ross Leslaeus wret or maid be turnit or translated in dyverss vulgar langages or toonges. [f. 276]f. 46.

Albeit the thrie Originar writers, I meane Leslaeus, Buchananus & Camdenus, or first authors of these things stil taks or seeks occasions to mix thair treuthes anent my father his affection to the Quene hir weale & honor withe lies & bitternes against him conforme to thair malice & base humors, & al the rest schaues smal or no affection to my father & als littil knauledge of our affaires, or as things went

than in Scotland except onlie sa far as thai tak fra the former thrie or some of thame, hes be thair auin coniectures or constructions of that contenit in thame or els hes be trivial tales & meer Idle reports, & thairfor almost verbatim falloues ane of the saidis thrie authors in that thai writ of or anent my father, & thairfor no mervel, if thai being al strangers & no thing versit in our affaires or the particulars of our cuntrie, writs rather to
276b] f. 46b. the preiudice nor advantage of my | father, hauing al thair information or knauledge fra his ennemies, & no thing fra men of knauledge & indifferencie. Zit als weale the first thrie & warst affectit to my father albeit authors of manie lies & calumnies against him as the rest of the fore namit al of thame ar forcit to beare witnes in some sort of my father his affection to the Quene during al these tymes of hir vnfortunat toyles & difficulties.

Bot for the present let vss for a space leaue the rest & deale withe Leslæus onlie the author of this calumnie & surmise wee ar nou to confute. Certane it is that he maks onlie mention of this direction, order, or command of hir Maiestie to hir Commissionars to speake against my father at Zork 1568, in this his liing libell callit Relacion de las Cosas de Escocia ane wark whilk he not onlie did nevir avou publiklie bot thocht (albeit he hoipit to mak it serue his turne withe some strangers in that cuntrie of Spain whair Privatlie he sent it) that it suld nevir come to the knauledge of my father or anie of his.

Bot be the contrair in his written Pamphlet callit Discours sur les affaires d'Escosse depuis seize ans vnder the names of Steuart & Mophat (for bothe of thame war men of no learning
f. 277] f. 47. & weale knauin to be of smal | capacitie mekle les lernit or versit in the civil laues insert at the end thairof) & in his Printit books or Pamphlets callit L'Innocence de la Royne d'Escosse Printit 1572. & Martyre de la Royne d'Escosse Printit in Antwerp (a supposit place becaus it wants al necessar approbations) 1588. al thrie the first in Writ onlie & the vther tua in Print some yeares efter he sent Relacion de las Cosas d'Escocia war be him publischit, & al thrie gevi- cleare testimonies (albeit mixit withe manie his malicious lies) of the affection & zeale my father had to the Quene hi service & safetie, yea the verye tyme scho wes Prisoner i

Lochlevin & in hir greatest extremities, albeit he writs of his merits towardis the Quene so sparinglie as culd be & no more nor the estait of things he had in hand forcit him too. & in his vther written Pamphlets vnder the supposit names of Steuart & Mophat callit Les trahisons de Mourray depuis seize ans pour se fayre Roy d'Escosse etc. as lykwyss in his engliss printed Pamphlet or book callit the Copie of a lettre written out of Scotland, by ane engliss gentleman etc. he maks no mention of this the Quene hir commande gevin to hir Commissionars | at Zork to speake there or anie vther speeches [f. 277b]f. 47b. against my father albeit the first wes written & maid lang efter I meane some yeares, & the vther & last some tyme efter. albeit neir to the tyme that Relacion de las Cosas de Escocia wes sent be him in Spain.

Nather & it maks the former thrie befor alleagit or anie ane of thame no more nor thir last tua anie mention of this the Quene hir command to hir Commissionars at Zork to speak ather these or anie vther speches against my father or to his reproche, albeit al the fyue befor mentionit books treates of these affayres & in thame he had no les occasion or meanes to insert that lie or surmise nor he had in Relacion de las Cosas de' Escocia. if he had not fearit it wald be too evident & manifest a lie & being written in these langages I meane frenche & Engliss & dispersit in france & Ingland etc. it culd not be obscurit & keepit fra the knauledge of manie who wald oppyn it, & knau the contrair directlie & thairfor it appeares a meer calumnie lie & malicious surmise.

Bot to examine the mater zit a littil more Particularlie. What reason or caus had the Quene than being captiue or a | [f. 278]f. 48. prisoner in Ingland at that tyme in Bolton Castle a houss belonging or perteyning to the Lord Scroope in Richmondschire & in 16. or 20. myls to Zork to mak or authorise lies withe order to hir Commissionars to charge my father withe thame in his face in sa notable an assemblie or meeting as wes that of Zork.

That the things spoken in Zork against my father be the Quene hir command (as Leslaeus falslie & vntruelie alleages) war & ar lies is & sal be manifest be the particular confutations of everie several lie & surmise als weal befor & alreadie con-

futed as be that sal heirefter fallou & be cleirlie confuted in thair auin due & competent places.

It is to be considerit that the Quene wes then captiue as befor in hir greatest & most pouerful hir ennemies handis bereft of hir auin Croun having most of hir subiects opposit to hir or alienat fra hir. Having than no great intelligence or correspondens withe the Engliss Nobilitie (albeit not lang scho had efter withe dyvers of the cheifest & most pouerful of
278b] f. 48b. thame be my father his dealings woorkings | & mediation for hir Maiestie). The Quene mother than cheiff ruler in france being rather hir ennemie (albeit cove . . . or hid bot to hir weale knauin) nor hir freind, hir kindred or freindis in france of the houss of Lorrayne grevit at or withe hir tua precedent mariages withe Lord Darnelie bot more withe the last withe the Erle of Bothwell speciallie the Cardinal of Lorrayne than directer & guyder of al the rest of his familie witheout thair advyss consent or Participation. The King of france himself for the same causes displeasit Imbaracit & more nor busyed [?] in a great warre against the Protestants than a numerous & pouerful pairt of his auin subiects having Princes of the blood for thair headis and cheifftanes & the bak and support of strangers. The King of Spain no thing confident in respect of our auld strict lawes once withe france, hir mariage & kinred in it, & for portponing his sone in hir second mariage to the Lord Darneley, & no les busied than nor the king of france wes withe an opin warre against his subiects in Granada, continual feares & suspitions of the Turk his Invasions & no les of the Revolts of his auin subjects in flanders or the Lau Cuntries as sone efter fallouit in respect of the great numbers of the banischit furthe of thame & of the Protestants & male-
279] f. 49. contents thair favorers in thame withe no great confident | corrispondens withe his nichbors of france Ingland & Germanie, zea to say in a woord schoo than had al the Protestant forraine states & most of hir subiects ennemies the forraine Catholik princes littil confident & greatlie in thair auin busynessis inbarassit hir subiects & vthers feu exceptit alienat hir auin Person bereft of libertie, hir crowne & realme, yea of hir clothes ornements & Jeuels & al possessit be hir most bitter & spiteful ennemies, zea al hir hoips vnder god to be fred of hir captiviti

& to be restorit to hir former greatnes consistit onlie on hir woorkings and trames withe the subiects of the Ile of Britannie als weale these of Scotland as Ingland for bothe war absolutlie necessar the last to frie hir, & the first to receaue & admit hir governement againe & bothe efter to manteyne & defend hir thairin as also to procure to hir Maiestie the realme of Ingland as hir richt & lauful Inheritance & thairby to secure hir humainlie fra al futur wardlie dangers (for be strangers schoo had than no hoip at al) & thir things culd difficillie be cumpassit at the first be force. bot dexterities & negociations war | [f. 279b] f. 4
more nor necessar & greatlie requisit, & everye bodie wes not fit or able to cumpas & effectuat so great manie & difficil things as these busynessis did requyre. Hir Maiestie wes not than furnissit withe suche chose of fit Instruments as wes requisit Hir Judgement wes guid schoo kneuit that albeit my father wes bot a gentleman & not of anie great force, yit hir knauledge dexteritie & credit withe manie in bothe realmes zea of the best sort war more nor requisit to woork & cumpas or effectuat hir desyres. What appeirans or likelihood is thair than that the Quene wald haue commandit hir commissionars to charge him withe manifest lies & calumnies & things in thame selfs so wickit & odious able to haue alienat the most entier & sincere affection evir wes, altogether fra hir service. whou necessar my father his service to the Quene on the ane pairt wes than & whou great wes his affection & duetieful loue to hir on the vther pairt is sufficientlie witnessit be Buchananus, Camdenus, Thuanus, Didimus veridicus, Michael ab Isselt, Holinshed & vthers to | prooue my assertion & convince [f. 280] f. 5b
Leslaeus of malice & lies or vntreuthe. albeit some of the forenamit authors schauis in mixing treuthis withe lies or in obscuring maliciouslie the veritie no les malice & vntreuthe anent my father nor he does, & the rest be lake of treu information as appeirs being in substance meer ignorants of our affayres of Scotland fallis thairthrou in the same falts anent my father the former does to wit mixing treuthes anent his merits to the Quene & cuntrie withe fals informations takin fra his ennemies, & in not inserting his merits being altogither to thame as seemis in manie things vnknauin. Be this it appeares evidentlie to the indifferent & Judicious readers being

conferrit withe that befor & heirefter that Leslaeus hes in this his Relacion de las Cosas de Escocia lied cleerlie & manifestlie in alleaging to prop his former lies in it. That the Quene gaue command ordor or direction to hir commissionars at Zork to speake these woordis or speeches insert in his said libell or anie vthers whatsumevir against my father or to his disadvantage or reproche in anie sort. for at that tyme schoo had more
280b]f. 50b. nor neid of his service.

The Second of the four tymes my father his name is mentionit be Leslaeus in his liing Pamphlets or libels as guiltie Participant or accessorie of or to the filthie murther of the Lord Darnelie is (lyke as the first & former is) in his said liing Pamphlet or libel callit Relacion de las Cosas de Escocia. at the same tyme or meeting of the Commissionars et Zork oft mentionit befor.

He alleages (albeit most vntruelie) that the Quene hir Commissionars in hir defens to the Erle of Murray & his associats thair accusation at Zork did charge the Erle of Murray & vthers withe him as guiltie of the said Lord Darneley his murther & to prooue thair allegation brocht or alleagit dyverss Indices or articles in ane of the whilks onlie he charges my father to wit in the third article or Indice as he cals it.

I am not to answer it may concerne anie vther nor my father & als littil to examine the treuthe or vntreuthe of the rest he inserts in this his Idle & liing Pamphlet not concerning my father directlie or indirectlie becaus as I haue protestit my intention in this Apologie is not to accuse or excuse anie safe onlie to purge my father fra malicious calumnies & surmises, & so far onlie as may concerne this my end or proiect.

281]f. 51. In this his third article or Indice against the Erle of Murray & vthers to prooue thame guiltie & authors of the Lord Darnelie his murther he alleages that my father participant in the Confederacion maid a speeche or Oration persuading the Lord Darneley or king (as in this Pamphlet he cals him) his deathe for the whilk efter in the hatreds or quarrels betuixt the Erle of Murray or Regent (as he thair cals him) & him he had ben accusit & executit if the Laird of Grange had not hinderit emperchit it & moderat or mitigatit things betuixt thame.

this his Allegation befor against my father ar manie grosse & palpable lies as in the confutation of al this wil manifestlie appeir. for probation of his Assertion he brings onlie thir woordis *se supo y lo provaron* to wit in Scots translated It wes knauin & thai (to wit the Quene hir Commissionars) proovit it.

For al this he brings or produces no prooff safe his simple or naked saa or dixit whilk befor is manifestlie convincit of vntreuthe & thairfor is woorthie no credit for nather in this his writ than in Zork nor at anie vther tyme or place befor or sins did he evir bring or produce anie farder prooff for this his saa. | Bot in the examination of the Particulars or several [*f. 281b*]*f. 51b* woordis or speeches insert in his said thrid article or Indice against the Erles of Murray Morton & vthers the accusers to mak thame guiltie & authors of the Murther of the Lord Darnelie his malice & perverssnes wil more evidentlie & manifestlie appeer for he sayis *Jercero se supo y lo provaron q̃ Lidington participante en la confederacion.*

In thie feu woordis ar more lies in a maner nor lettres or woordis.

I leaue *se supo y lo provaron* (in Scots) it wes knauin & thai proovit it as not woorthe anie more or farder answer nor heir befor becaus he brings no prooff or evidence to confirme it & his nakit woord or saa is sa oft convincit of vntreuthe that it merits or deservis no faithe or credit being alone.

Q. *Lidington participante en la confederacion* (in Scots) That Lidington participating in the Confederacion or being ane of the confederats or having pairt in it. Vpon ane fals fundament or grund no mervel he build vnsuerlie.

I wil ask Leslæus the | author of this lie what confederation [*f. 282*]*f. 52.* band or lige is this he maks my father a partner or participant of.

For if it did not tend directlie or indirectlie to the Lord Darnelie his deathe or wes maid to that end it wil not prooue his Assertion. I find mention onlie of fyue bandis ligs or Confederations fra the Quene hir returne fra france in Scotland til hir going furthe of it in Ingland againe to wit. The first maid in Dunbar efter David his murther. The effect of it wes

first to perseu the committers & partakers of David Ricio his slauchter in respect the authors & doers of that act & fact did Imprison the Quene & intendit to haue forcit hir to the demission or Resignation of hir croun. Secondlie to resist & perseu al these sal attempt the lyke in tyme cumming or anie thing contrair thair Maiesties authoritie. This first band did contene no farder wes maid lang befor the Lord Darnelie his deathe. Wes subscryvit be the Quene the Lord Darnelie
282]f. 5.v°. himself than being hir husband manie noblemen & vthers & amangest the rest be the Erle of Lennox his father, & be the Erles of Athole, Sutherland & Glencarne & vthers the most intime friendis to the Lord Darnelie & houss of Lannox & be the Erle of Bothwell.

No man wil think that the Lord Darnelie himself, his father & vthers thair most intime freindis wald conspire his auin deathe or murther. It is to be observit that this forsaid band wes subscryvit in the 1566. in the beginning thairof efter the Roman kalendar, to wit in the monethe of Marche & no way be the Erles of Murray & Morton wha ar cheiflie accusit in Zork be the Quene hir Commissionars (as Leslaeus falslie alleages) & to wham he cikis or Joynis my father in thair Confederacie & als littil be the Erle of Argile wha he taxis lykwyss in some of his Pamphlets especiallie in his Martyre de la Royne d'Escosse as guiltie or participant of the Lord Darnelie his deathe. Al the saidis thrie Erles being than in disgrace withe the Quene & Court the first & last retirit in Argile not being zit fullie repatriat or reconcilit for
283]f. 5.i. thair opposition to the Quene hir mariage withe | the Lorde Darnelie & breake thairfor. & the second to wit Morton being fled in Ingland as ane of the cheifest actors in the murther of David & Imprisonment or Retention of the Quene hir Person thairefter.

Of al the saidis fyue bandis ligs or Confederacions maid during the Quene hir residence at that tyme in Scotland I find onlie this ane forsaid to be maid befor the Lord Darnelie his murther hithertoo come to my knauledge notwithstanding al the diligences I haue vsit to searche & find thame, if anie war. & it is not liklie that this is the band or Confederacie able & sufficient to prooue my father guiltie or participant of

the Lord Darnelie his murther conforme to Leslæus his liing surmise & Assertion.[1]

The vther four bandis, ligs or confederacies war al maid efter the Lord Darnelie his deathe & befor the Quene hir going in Ingland. The first of thame wes maid in Stirling the first. 1. of Maii 1567. soone efter the Erle of Bothwell ravischit the Quene at Almond or Craumond bridge as schoo wes in the way fra Stirling cumming to Edinburgh & forciblie caryit hir to Dunbar & thair | for it wes maid to put hir at libertie again [f. 285v] f. 55v. & frie hir person fra the said captivitie as the first caus thairof & efter to assure & Preserve the Person of the Prince hir sone nou King of Great Britaine fra al dangers as the second caus & reason thairof. It wes subscryvit be the Erles of Argile, Athole, Morton, Glencarne, Mar & vthers of the nobilitie of al the whilk number thair wes nevir ane of thame suspect mekle les chargit thane or at anie tyme sins of the murther of the Lord Darnelie except the Erle of Argile suspectit thairof efter & chargit thairwithe be the Bischop of Ross Leslaeus himself in his Martyr de la Royne d'Escosse & vthers his Pamphlets (whou it belangis not to this place or to me to discusse) some yeares efter this band. & The Erle of Morton accusit thairof & beheadit thairfor manie zeirs efter.

So that it appeirs manifest this band forsaid maid at Stirling the 1. of Maii wes not maid to conspire the murther of the Lord Darnelie being maid be men no way evir suspect of his deathe (tua onlie except) & ellevin weeks efter the murther of the said Lord Darnelie being treacherouslie & cruellie murtherit the 10. of februar | preceiding & thairfor [f. 284] f. 54. kan no way prooue Leslæus his liing assertion & surmise against my father charging him to haue participat in anie sort withe that filthie murther of the Lord Darnelie.

The second of the saidis four. 4. bandis maid efter the Lord Darnelie his deathe & the 3. of the fyue. 5e. bandis maid during hir Maiesties residence in Scotland wes maid not lang efter the former as I think in the said monethe of Maii.

It wes maid & subscryvit be the Quene, Erle of Bothwell than callit hir husband & manie of the nobilitie the contents.

[1] October 1566.

The nobilitie was bund to defend the Quene & Erle of Bothwell & al thair actions. & thai in the vther pairt war bund to defend & favor the confederat nobilitie in althai culd.

I am assurit Leslæus wil not vse this confederacie or lige to mak my father guiltie or Participant of the Lord Darneley his murther mekle les mak this band to be caus thairof. for it wes maid thrie. 3. moneths or neirby efter the Lord Darnelie his deathe & he wil no way mak the Quene (a subscriver thairof) guiltie or to haue participated of the Lord Darnelie his deathe & I think he Leslaeus himself did subscriue
284b] f. 54b. it withe | manie vthers estemit be bothe Leslaeus & me no les Innocent of that filthie murther of the Lord Darnelie nor he himself wes.

The fourt. 4. of these befor mentionit bandis, Ligs, or Confederacies in al during the Quene hir remaining in Scotland or Thrid. 3. efter the Lord Darnelie his deathe wes maid in Edinburgh the 16 day of Juin be the Erles of Athole, Morton, Glencarne, Marr & vthers of the nobilitie & estaits of the Cuntrie four. 4. moneths & more efter the murther of the Lord Darnelie.

The contents war to puniss or revenge the murther of the Lord Darnelie or the Erle of Bothwell actor thairof & on vthers authors devysers thairof. To deliver & frie the Quene fra the captivitie & Tirannie the Erle of Bothwell held hir in vnder Pretens of thair vnlauful mariage To Preserve the lyffe of the than Prince (nou our King) fra the traps & snares of the said Erle of Bothwell murtherer of his father Lord Darnelie & violent ravischer of his mother the Quene our Soveraigne Lastlie to see Justice lawfullie ministrat to al the lieges & vthers in the realme.

285] f. 55. I think this forsaid fourt. 4. band in al or Thrid. 3. efter the Lord Darnelie his deathe or Confederacion does no way preeue Leslæus his liing assertion & surmise in alleaging my father to haue bene Participant of the murther of the Lord Darnelie mekle les this forsaid band or Confederacie to haue bene the caus thairof.

For as befor this band or lige or Confederacie wes maid four. 4. monethis & more efter the Lord Darnelie his murther & be manie of the nobilitie & vthers neir to this day sus-

pectit be anie as guiltie of the said murther or participant thairof in anie sort (the Erle of Morton onlie exceptit) & for revenge thairof & vther heidis tending directlie to the abasing & punissment of the said Erle of Bothwell cheiff actor & doer thairof.

The fourt. 4. band lige or Confederacie efter the Lord Darnelie his deathe or fyft. 5. & last in al of these maid during hir Maiestieis residence in Scotland wes maid at Dunbartane the Penult or. 29. of Juin in the same 1567 | zeir whan hir Maiestie wes Prisoner in Lochlevin & subscryvit be the Archebischop of S. Androes Hammilton Erles of Huntlie, Argile, Craufurd, & dyverss vthers of the nobilitie & be Leslæus Bischop of Ross himself. [f. 285b] f.

The Contents war to Procure the Quene hir libertie on sic conditions as may stand withe hir honor the common weale of the whole realme withe the securitie of the whole nobilitie zea & withe the securitie of the noblemen wha presentlie hes hir Maiestie in keeping to the end The realme may be governit be hir Maiestie & the Nobilitie for the common quyetnes, Administration of Justice & weale of the cuntrie.

To concur to the Punissment of the murther of the Lord Darnelie (callit in it by thame king) hir Maiesties husband.

And to the sure Preservation of the Person of the Prince.

I think Leslaeus wil als littil vse this band or confederacie as anie of the former to preeue his liing assertion in charging my father withe giltienes or Participation of the Lord Darnelie his deathe. for it wes maid four. 4. monethis & more efter the | said murther wes subscryvit be Leslæus himself & dyverss vthers wha he chargis nevir as guiltie or participant thairof. [f. 286]

Nou it appeirs that not ane or anie maa of thir saidis fyue. 5. bandis maks for his liing & fals Allegation & surmise against my father & als littil the whole being taken altogither wil or kan in anie sort serue to his purpos.

And to speake truelie & sincerlie, I think my father did in substance allou of four of the saidis bandis or confederacies altogither as agreable & consonant to reason & equitie for hir Maiesties wil & honor & for the weale of the cuntrie & did concur no dout to see thame execut & perfytit to the vtermost of his pouer & knauledge. And anent the fyft. 5. to wit the

Thrid. 3. in number of thame al or Second. 2. of the four. 4. efter the Lord Darnelie his murther, I think certanelie lykewyss my father did pairtlie allou of it to wit of that pairt concernit the Quene his Soveraigne & Mistres hir lauful Obediens
[f. 286b]f. 56b. Authoritie service & defence & to these endis wald haue willinglie concurrit & did no dout as his actions witnessis labor & travel to the vtermost of his pouer & wits (as thai say) to see it performit & fullie perfytit. Bot I think some vther pairts thairof war be him altogither dislykit & abhorrit to wit the Erle of Bothwell his assurance & Impunitie efter sa manie wickit & horrible facts. Witheout anie Remorss or the least signe of Repentance in him. bot mucche more detestit be my father & altogither reiectit be him. The Approbation & defens & Protection of al the Erle of Bothwell his former wickednessis (callit in the said band or Confederacie his acts or facts) & I think least of al did my father seeme to allou of that vnlauful mariage & of the continuance thairof witheout anie dissolution whilk be force & treacherie at least (if not also be enchantments so fearit or Judgit be manie) he had maid withe The Quene my father his Mistres & Soveraign to hir vter overthrou & vndoing everye way, if it war not dissolvit & thai separat whilk vnlauful, vnhappie & infamous mariage wes cheiflie be that band socht to be assurit & fortifiit & thairfor & for the former reasons & causis absolutelie be my father
[f. 287]f. 57. wes reiectit | abhorrit & detestit at least so far thairof as concernit the Erle of Bothwell in anie sort as offensiue to god preiudicial to hir Maiestie far & greatlie against Justice & the weale & quyetnes of the cuntrie wharin he wes borne.

If he haue anie moe ligs bandis or confederacies to prooue his liing Assertions & surmises withe I knau not. bot I doo dout greatlie thairof. For I tak not the Conspiracies against David Riccio & my Lord Darnelie to haue bene done be ligs bands or confederacies of anie great numbers of persons knauen everye ane to vthers & concurring togither to these ends or anie ane of thame.

Bot I take thame to haue bene plottit be feu & vthers to haue bene drauin in be thame in secret as actors or consenters ane scarce knauing of ane vther (except the first plotters) before the execution & perhaps al not than speciallie the

Consenters witheout anie publik band or confederacie subscryvit.

And I think certanelie the Writs anent these tua conspiracies & murthers war subscryvit be verye feu & not ane of thame be the half of aucht. 8. persons | as Leslæus vntreulie alleagis [*f. 287b*] *f. 57b*. of this last of the Lord Darnelie his murther in this his Relacion de las Cosas de Escocia & insinuats in some vthers his vntreu Pamphlets.

He goes on in his liing humor & eiks to his former lie of Participante en la Confederation this vther Hizo vna platica persvadiendo la mverte del Rey. if he sayd no farder it war aneuche & sufficient to say he lied. But becaus he props this his lie withe ane vther more manifest albeit no greater eikit presentlie to it in confuting the vther this wil appeer of les moment & consideration & consequentlie of no treuthe. . .

Besydis taking & examining this his lie & malicious surmise per se as if it had no eik or Prop to vphold it of Hizo vna Platica etc It is necessar wee Inquyre at Leslaeus his auin maxime to wit cui bono or to what end or for what caus did my father mak that speeche [he falslie alleages] to persuade the Lorde Darnelie his deathe.

for as befor in the general answer to that malicious calumnie & surmise | against my father It is notoriouss my father did [*f. 288*] *f. 58*. nather hate nor feare the Lord Darnelie nor had no caus sa to doo had nather quarrel dispute nor debate withe him cause or appierance of anie. My father of his auin nature wes nothing cruel or Bloodie for in al his lyffe al his ennemies kan not giue ane Instance or likelihood let thame wrest al thai kan of anie crueltie in him.

He wes nather so oblischit or addict to the Erles of Murray or Morton as that to please thame he wald offend god sa hielie & hurt his Consciens & Reputation so far as for thair pleasor onlie mak himself guiltie of sa vile & horrible a murther & sa treacherouslie performit. He boor no malice or hatred to or against the Quene bot be the contrare lovit honorit & respectit hir deerlie as his Soveraigne & Mistres as manie his actions sufferings & losses for hir weale & service doo cleerlie witness & thair is no likeliehood that for hir evil Infamie & vndoing onlie & to the end schoo suld be blamit thairfor & consequentlie

58ᵛ. be degrees be vndone did consent | mekle les perswade purpos sa vilainous & detestable a fact as the treacher murther of the Lord Darnelie wes. Least of al wil men th that my father did persuade or wiss that murther or anie to the Lord Darnelie onlie for respect or to please the Erle Bothwell or to advance him thairby.

for certaine it is he nevir loovit the Erle of Bothwell be a bag of vice & sink of al horrible sins as he wes, & my fat wes als littil lovit be him. being of sa opposit & contraric dispositions & humors thai war, & of al men my father m caus to feare him & his greatnes. for he onlie did mak pro sion to seek my father his lyffe & blood, bothe befor, at same tyme & efter the Lord Darnelie his deathe & thi cleerlie witnessit be Buchananus no les bitter ennemies to father or maliciouss against him nor Leslaeus himself, & pair be Thuanus at least my father his hatred born to the Erle Bothwell.

Last of al my father had no expectation or hoip of anie g be the Lord Darnelie his deathe & als littil assurance appeira or hoip to escheu anie evil thairby. for I kan not learn
9]*f. 59.* perceaue that at any tyme my father had anie great | expe tions of anie more benefit good or preferment nor that he & als littil feare had he or danger wes he in to leese anie o least pairt of that he had & sure I am he than sued f more nor nevir eftir al the dayis of his lyffe notwithsta the plausibilitie of the tyme & manie changes thairin sure am I that no bodie sued to tak anie thing than fr except the Erle of Bothwell that labourit to tak his ly him be meer violens onlie, whairof he stood in no grea being strong aneuche to resist his violens, & to defend fra al he culd than doo against him,

Ane thing I man adde or eik farder to wit say father wes no child or so childiss & simple as to be d be ghesse & not knauing or considering what he did the busynes wes he enterit in or what micht ensue thairon.

I haue as me thinks sufficientlie in thir former di more plainlie & at greater lenthe in the answer to th
10]*f. 59ᵛ.* Imputation & surmise | against my father anent

Darnelie his deathe in the fore pairt of this book or treatie fried my father & schauin cleerlie & manifestlie that not ane or anie of the causes of the Lord Darnelie his death alleagit be Leslaeus did induce or culd Induce my father to be guiltie or participat.

For the causes be Leslaeus alleagit of the murther of the Lord Darnelie ar hatred of some of the Conspirators against him for former offences amangest them Desyre of Revenge in vthers of thame for Iniuries or Wrangs thai pretendit he did to thame.

Feare of the Lord Darnelie some had amangest thame & that he went about to kil or overthrou thame or thai fearit he wold, & thai for socht to prevein him. vthers enterit in it for loue & favor of ane of the thrie Erles alleagit be him as guiltie of that crime to wit Murray, Morton, & Bothwell & meerlie for pleasor of ane or mae of thame. Vthers to the end the Quene micht be blamit as guiltie thairof & that thairby occasion micht be had or taken to vndoe hir Maiestie & to bereaue hir of lauful authoritie & of al | government. [f. 290] f.

Thir forsaidis causis togither withe the Erle of Bothwell his hoip thairby to marie the Quene & to be hir husband & consequentlie to carie & beare a great sway in the manage & government of the realme togither withe his disordinat lust & licherie ar onlie gevin be Leslaeus in his liing books Pamphlets & Writs as causes of the Lord Darnelie his murther & raisons inducing the Conspirators to Interprise and performe it. & manifest it is none of these causes or raisons war in my father or concernit him in anie sort as befor at large.

Nou he props his tua former lies anent q̃ Lidington participante en la Confederacion alreadie fullie confuted & this other Hizo vna platica persvadiendo la mverte del Rey no les confuted so far as it may stand per se withe this his Third. 3. lie no les maliciouss bot mutche more evident as herefter sal cleirlie appeer. to wit Y por esto despues en las enemistades del y el Regente vniera sido accusado y executado si elseñor de Grangeno lo Impediera | y moderara entre ellos. in [f. 290b] f. Scots Translated, thus, And for that thairefter in the quarrels or hatreds betuixt him & the Regent had bene accusit & executed, if the laird of Grange had not hinderit it

& moderatit things betuixt thame. In thir feu woordis or lynes he mixis treuthes withe lies bot feu treuthis withe manie lies, & the treuthis not for veritie or treuthe his sake or to mak it the more evident or apparent bot be the contrare to offuscat treuthe & to mak lies seeme treù & more likelie.

Bot to mak his malice & perversnes the more evident it is necessar we mak a digression & schau the historie of that tyme or a pairt thairof so far as concernes this subiect & mater nou in hand.

After the murther of the Lord Darnelie be the Erle of Bothwell some tua monethis or littil more he Ravischit the Quene at Almond or Cramond Bridge as scho wes cumming fra Stirling fra visiting hir sone the Prince to Edinburgh & caried hir forciblie to the Castle of Dunbar than in his
61. custodie or whairof he wes keeper or Castellan for the Quene | withe him. Whilks his facts did greatlie greeue & displease manie bot no bodie more than my father, Who laborit be al meanes than possible to put hir Maiestie at ful libertie (as pairtlie is befor recordit) eftir to dissuade hir maiestie fra that infamous mariage the Erle of Bothwell pretendit to mak withe hir. Whan persuasions to absteen fra that intendit vnhappie mariage or rather dissuasions thairof culd haue & did tak no place bot that it wes solemnizit & consumat to the great skandal of the warld against al laues divin & human to the hie offens of god & opprobious infamie of hir Maiestie be the treacheries & persuasions of the courteors than about hir gainit or woon be the Erle of Bothwell to that end be bribes hoips & promises of great benefits & preferments. Than my father thocht for hir Maiestie hir weale & honor no thing wes more requisit or necessarie nor the dissolution of that vnlauful & Infamous pretendit mariage & Thairfor withe al speed & be al meanes possible he went about it seeking at ones to frie hir Maiestie fra that Infamous bondage & slaverie scho levit than
61v. in, to secure the lyffe & | person of the Prince hir onlie sonne & appeirant successour of the Croun yea of al Britain etc. as nou he is. to relieue the whole nation of a filthie Imputation as guiltie of the treacherous & filthie murther of the Lord Darnelie Layed on it & to Restore Justice again so far blemisched or oppressit be precedent facts to his natural

cuntrie & people in it, & al this he hoipit to atteen too be dissolution of that vnhappie & infamous mariage & be separating the Erle of Bothwell fra the Quene & be abasing him fra the pouer of a prince or tyran to his auin former estate of a subiect subiecting him thairby to Justice & laues.

This no man kan deny or gainsay bot that it wes not onlie reasonable bot most necessarie & expedient & witheout the whilk nather Prince nor Common Wealthe culd subsist things war than so far gane awry or rather a stray.

Bot on the vther point I think no man of Judgement & discretion kan think that as things war than it wes possible to separat the Erle of Bothwell fra the Quene & to dissolue that vnlauful & infamous mariage witheout force or scheu of force at least he being so michtie as he wes than possessing the Quene | & commanding als weal the people as laues of ministers [f. 292]f. 62. of thame be hir Maiesties authoritie being secundit in al his wickit Intents be the courteous disguysing or obscuring al treuthes fra hir Maiestie & flatterit or fallouit be the greitest pairt or neir al the nobilitie & emboldenit & fortifiit greatlie be the former lige of a great pairt of the nobilitie bearing directlie to defend him & al his actions. I say things being than thus it wes not possible witheout scheu of force to bring him to conformitie or to subiect him to Lawes & reason.

Thairfor my father not being absolutelie or anie way strong aneuche per se or alone wes forcit to tak the help or assistance of vthers. Whilk than pretendit a great & duetieful affection to the Quene & a great & ernest desyre of hir libertie, a Just & due cair of the Preservation & safetie of the Prince & no les Zeale to Justice & to the honor & weale of thair naturel cuntrie nor he did.

Al the weale of thair intent & pretens wes grundit on the Apprehension & taking of the Erle of Bothwell as the readiest way to | atteen to al thir former endis whilk moovit my father [f. 292v]f. 62v. to induce the Lord Home a man than of great pouer & woorthe & his deare & most intime freind to Invest & besiege Borthwik castle whair the Erle of Bothwell wes withe his privat force desyring onlie the Persons of the rest of the nobilitie confederat in Stirling to thir forsaidis endis to be present & concur efter the Invisting & besieging the said Castle more for

authoritie nor for anie neid of thair forces & pouerful assi
ance.

Bot thai being somewhat irresolute anent the going th
witheout al thair forces delayit or differrit tyme so lang th
the Erle of Bothwell escaipit in the nicht being disguysit
so went to Dunbar a place than Imprenable & disapointit
that plot weale contryvit albeit it had not the wischt event
effect.

For if the rest of the nobilitie than in Stirling & li
togither had come in tyme as thai war advertisit on t
suddaine withe thair houshaldes & feu freindes than prese
withe thame onlie. al the force had bene the Lord Homeis,
his force withe thair authoritie & service of their auin Perso
withe these feu withe thame micht & wald have c . . .[1] al t
293] f. 63. avenues & passages . . .[1] | & fra the said castle of Borthwik
that the Erle of Bothwell culd no way haue escapit bot h
Infalliblie bene taken or apprehendit. Whilk being atchie
& done my father & the Lord Home [?] withe vthers of t
nobilitie thair intents & purposis war to informe the Que
truelie whou things had past to hir great danger & slander
the Erle of Bothwell & his vilainous supports about hir th
praktises & disguysings or obscurings of things fra hir Maies
not doubting in respect of hir great Judgement to mak
capable of the disorders past vnder colour of hir Authori
extremelie abusit be the Erle of Bothwell & vthers addictit
him & whou necessar & requisit wes this thair action & that
Maiestie suld put due Reformation to manie abuses had pa
Hoiping assuritlie that be thair true informations hir Maies
wald be moovit to abhorre the former bad advyses gevin to hir
persons wickitlie disposit looving onlie thair auin bad affectic
& nather regairding hir honor or weale or thair auin dueties
god, Prince or Cuntrie & reforme al things requyrit reformatic
293b] f. 63b. | Bot hir Maiestie had not than the hap to be fried of the E
of Bothwell ather be his apprehension or his flicht.

For if at that tyme scho had admitted the Lord Home
vthers to hir sicht & presence schoo had remainit Quene
befor withe no les respect & obediens of al hir subiets. for

[1] Manuscript torn.

had not bene in the pouer of anie trecherous myndit or seditious in woord or dead to haue offendit hir Maiestie in the least thing whatsumevir & to obviat to the treacherie & malice of the evil affectit to hir Maiestie (not doupting but dyverss albeit not to my father than thair names knauin, or be thameselfs professit for al alyke did profess to hir Maiestie not onlie al Loyaltie & obediens bot duetieful & respectiue affection) & to obviat to the treacherie & malice of the evil affectit & disposit towards hir Maiestie I say did my father comtriue & ordaine the force to be onlie in the Lord Home albeit the greatest pairt of the authoritie wes in the rest, to the end that if anie of thame war evil disposit it suld not ly in thair pouer to vter or | woork thair malicious intents. [f. 294]f. 64.

Bot it wes not hir Maiesties hap sa to doo. bot be the contraire being evil advysit be some about hir of the Erle of Bothwell his pairtie folloued him quyetlie to Dunbar Castle. efter schoo had causit publiss ane odious & bitter Proclamation against the Cheiffs & Principals in that siege at Borthwik & elswhair. The Lordis Confederat befor at Stirling efter some delayes & having assembled greater forces at lenthe marched towardis Edinburgh withe intention to strenthen the siege at Borthwik.

Bot vnderstanding the Erle of Bothwell & efter him the Quene war gone to Dunbar castle Imprenable to thair pouers or forces & ane of the cheiff & strongest fortresses of the realme situat on ane craig or Rok almost environnit withe the sey & stronglie fortified be art, & that the siege of Borthwik wes raised & the people (being al volentaires onlie) skattered | dispersit & war retired everye man to his home, [f. 294b]f. 64b. Judgit it thair best to marche fordward to Edinburgh to Joyne the toun & vthers not zit of thair lige or confederacie withe thame & efter defend or offend the Erle of Bothwell as occasion suld offre. So thai did & fand the toun of Edinburgh & manie vthers of al estaits resorting to thame & thai most willing to enter in the said lige band or confederacie for the Whilk caus thai maid the said lige or band in Edinburgh of the 16 of Juin oft befor mentionit being the 4 in number of the saidis .5. fyue ligs in al during the Quene hir Residens in Scotland more large nor the former maid at Stirling the 1 of

Maii a greate deale tending to the same endis & subscryvit be manie mae of al sorts & estaits. Efter the Quene hir arryvail at Dunbar be persuasion of the Erle of Bothwell & his pike-thanks about hir raisit the cuntrie & marchit towardis Edinburgh to expect the Lords & to punises the Confederats thai in it & the nixt day came als fordward as to Carberrie hil.

The Confederats Lordis & vthers having al thair forces zit
295] f. 65. assembled & not dissolvit did | think it thair best to meit the Erle of Bothwell hoping be his Apprehension to put the Quene at Libertie to atteen to al the vther headis & articles o thair saidis bandis ligs & confederacies at Stirling & Edinburgh, or rather to die in the feild (if he suld prooff stronge nor thai) than to suffer him to tyrannize the Quene & cuntri anie langer as he had formerlie done. This thai al did declar & profess & not ane of the cumpanie did vter anie or the leas woordis of dislyke or contempt of the Quene bot al alyke di profess thair duetieful affection & obediens to hir Maiestie protest openlie conforme to the tennor and woordis of thai tua former bandis or confederacies at Stirling & Edinburg that thai war to seik & procure hir ful libertie fra that In famous bondage & captivitie the Erle of Bothwell kept hir i withe hazard of thair lyves houses & al thai had.

Of this purpos mynd & Resolution as thai pretendit al wen fra Edinburgh withe intention to releeue the Quene & frie hi fra captiuitie as seemit & apprehend if thai culd the Erle c
295b] f. 65b. Bothwell or if not | to expel him fra hir, if thai in anie sor war able, to the end that he & his being remoovit fra hi Maiestie the divorce micht be procurit be lauful & ordinari meanes & the Quene fried fra that abhominable & Infamou pretendit mariage withe him.

Thai marchit on to Carberrie devyding thair smal forces i vangarde & riereguarde & in the vangard wes the Lord Hom & most pairt whose meanings & intentions war sincere t the Quene witheout al fraude or guile conforme to thai woordis. The rest of the vangarde & most pairt of the Batail or riereguard or neir al of thame (the Erle of Athole & fe vthers except) in it war in thair myndis most bitte treacherous & malicious against the Quene as schortlie efte appeared. bot al of thame did conceale & keep closs fra th

Quene hir favorers cheiflie fra my father thair maltalent & malice against the Quene.

Whan the armies war in sicht & likelie to joyn the confederat Lordis & vthers withe thame maid open Profession of duetiefulnes to the Quene & that thai | onlie desyrit hir [f. 296]f. 66. libertie & separation fra the Erle of Bothwell & the perfyting of the rest of the headis or Articles in thair saidis tua bandis at Stirling & Edinburgh nothing derogatorie to hir authoritie weale or honor bot be the contrair desyring to obey & serue hir Maiestie as thair Soveraigne & natural Princesse withe bodies & goodis in al thai culd.

Efter some diligences on bothe sydis to bring that controversie witheout great bloodsched to ane wische & desyrit end The Quene wes inducit be most of those withe hir & persuadit be the great demonstrations of duetieful respect, the confederat Lordis & vthers schewed thai boor to hir. Efter the Erle of Bothwell wes willit or commandit be hir to schift for himself. to desyre the Laird of Grange micht come & speake withe hir fra the confederat Lordis. The Erle of Bothwell retirit presentlie off the feild & went in great haste & Diligens to Dunbar castle than in his handis | & custodie. [f. 296b]f. 66b.

The Laird of Grange went to speake withe the Quene & efter some speches past betuixt thame schoo dismisit the people withe hir efter assurance gevin be the confederats not to hurt or pursue thame, & schoo hir self went withe him to the Camp of the Confederats. Whair of the first troupe or vangarde schoo wes receavit withe al Reverens & duetieful respect. bot of the greitest pairt of the Bataile or Rieregarde withe al contempt Iniuries & Opprobries hir Maiestie wes receavit & Presentlie hir ennemies (albeit hid or secret to that hour) being stronger nor hir duetieful subiects discoverit thair malice & caryed hir withe manie Iniuries Prisoner withe thame to Edinburgh whair the whole people of the toun (verye feu excepted) be Instigation of Knox & the rest of the ministers vterit than in hir great affliction al spyte & bitternes against hir & thairby fortifiit greatlie the pairt of hir ennemies & weakenit greatlie the pairt of hir duetieful & true Respectiue & affectionat subiects.

This far of the historie at least the substance thairof may [f. 297]f. 67.

easelie be perceavit & gatherit furthe of Buchanan (albeit h wrests things to his auin sinister intent so far as he kan i anie sort or withe anie color obscuring the merits of some mi construing thair actions & Intentions at al occasions & e tolling the merits & actions of vthers far aboue al treuth & thair woorthe) Holinshed Thuanus Michael ab Isselt vthers albeit scarce weal or truelie Informit of the Particula of these tymes in Scotland. Yea & pairtlie of Leslaeus h auin warkes speciallie of his books of Innocence de la Roy d'Escosse & Martyre de la Roine d'Escosse.

My father perceaving things to haue had contrair effects t his desyres intentions & expectations. Considering the ty as it wes & weyhing al particulars & circumstances thair seeing the Erle of Bothwell stil armit possessing the stro castle of Dunbar yea & in some sort the bothe strong & cheif
297b] f. 67b. or greatlie importing | castle of Edinburgh (for Sir Jam Balfour had not zit discoverit himself his opposit being h substitute in the custodie of the said castle) & fortifiit be t lige of a great pairt of the nobilitie & vthers maid so feu week or dayis befor binding thameselfs strictlie to defend the E of Bothwell & al his actions. Perceaving on the vther sy almost al the confederats & thair followers cheiflie the ministe & people of the touns to haue declairit thameselfs openlie mo bitter & perverss ennemies to the Quene thair Soveraigne Lauful Prince, notwithstanding thair so late & manif Protestations of al duetie respect & affection to hir Maies cleirlie & plainlie set doun in thair tua late bandis & l at Stirling & Edinburgh this last not tua dayis past, notwithestanding the plain speeche of the Erle of Mor vterit some feu hours befor in name of al the rest & for hi self to M^r de la Crocque, Ambassador for the King of fra
298] f. 68. than in Scotland at Carberrie | hil Protesting openlie obediens duetie Respect & sincere affection to the Quen that thai plainlie & manifestlie Intendit the overthrou of Quene his & thair Soveraigne contrair al duetie & to keep stil in prison at least to his great grieff & sorrou.

Seeing Ingland nothing affectionat to hir, france be hir former mariages alienat (yea hir auin vncles & cousings of houss of Lorraine greatlie greevit for the same) & oppre

withe thair auin difficulties & cairs. Spain than not greatlie respecting our estait or the busynessis thairof displeasit withe the former mariages & embarrassit in dyverss warres, Jalousies & suspicions of his auin estaits. Hir auin person in hir ennemies handis, hir libertie & lyffe in no smal danger. Most of hir subiects or neir al greatlie greevit withe hir last mariage.| The nobilitie & al the people of anie woorthe (verye [f. 298b] f. feu excepted) ather addictit to the Erle of Bothwell & enterit in lige withe him to defend him & al his actions, or els of the confederats against him & enterit in that lige professing al of thame (verye feu exceptit) al hatred & bitternes against the Quene & seeing evidentlie that if the Erle of Bothwell & his suld prevaile the Quene hir consciens, honor, fame & renoun, zea, & withe tyme hir lyffe & estait war lyke to periss, he being so wickit & tyrannical as he wes the Prince hir sone periss & the estait & weale of the cuntrie go to vter & extreme ruine & desolation.

& if the contrair pairtie did prevaile the Quene hir Person libertie & lyffe to be & remain in extreme danger withe no les harme wreak & spoyle to the cuntrie. Having feu to consult withe or tak advyse of & far feuer of wham he wes than to expect anie concurs or Assistance finding things brocht be former misgovernings to extreme miseries & dangers | hinging [f. 299] f. everye way on the Quene hir head, estate, lyffe & fame Judgit it not possible for him to remedie al at anie & thairfor better to conniue & wink at things for a tyme hoiping God in tyme wald minister occasions of better hoips than presentlie war, & thocht it not onlie vaine & Idle to resist so violent a streame as than ran be direct oppositions & resistance bot verye dangerous for the Quene & thairfor resolvit withe calmnes to conniue at the wrang thai had done als weal to the Quene in bereaving hir of libertie & due respect & obediens as to him in abvsing his credit & labors to sa bad ane end & sa contrariouss bothe to thair auin dueties promises writs & Protestations, & to his vpricht intentions & proiects.

Laboring in the meane tyme be intercession withe some, advyss withe vthers, his privat credit & freindschip withe vthers of authoritie of the confederats to mitigate thair privat & vehement passions against the Quene & ernestlie travelling

299b]f. 69b. bothe in publik | & Privat in Councel & furthe of it that hir libertie suld be rather inlargit nor restrainit & hir authoritie rather increasit nor diminischit.

Bot whan al his travels that way & mediation betuixt the Quene & hir opposits culd tak no place nor haue no effect, & that tirannicallie thai pat hir in Lochlevin, he sau than his connivens & moderation wes more necessar for hir Maiesties safetie nor befor stil laboring withe thame for the former endis.

Bot the more thai war strong schoo weake & in thair pouers the more Insolent, tirannical cruel & barbarous war thai.

For than no thing culd satisfie thame bot hir perpetual Imprisonment & Resignation of hir croun to the Prince scarce a zeir old, & establisching thame (hir greitest ennemies) rulers & Governors of the realme during his minoritie, having fullie resolvit to put hir to deathe if schoo refusit to obey thair
300]f. 70. vniust violent & barbarous | determination.

At first whan that thair vniust & vncivil demand anent the Resignation of the croun wes proponit to hir, it moovit & commoovit hir greatlie, being proponit to hir be the Lord lindsay a verye rude & vncivil cruel man & in verye rude & barbarous termes witheout al modestie & Respect. Zit schoo wyselie considering whair schoo wes & in what estait & in whose handis & pouer, schoo subscryvit al the Pepers anent these points or headis, offerit to hir the rather I think becaus my father did privilie advertiss hir of thair cruel & Barbarous determination to put hir to deathe presentlie, if schoo did refuse, in my opinion at that tyme a great necessar & duetieful service.

Soon efter wes the Prince Crounit King be vertue of that
300b]f. 70b. hir dimission of the Croun in his favors. The Erle of Murray | being returnit home fra france whair he wes the tyme of Carberrie hil took vpon him the Regencie or governement of the Prince & Cuntrie be vertue of the said hir dimission of the croun & nomination of him in Regent:[1] becam or rather wes befor (albeit in hidlings) the Quene, his sister, Creator & his great benefactor hir great & most bitter professit ennemie.

[1] Blank after 'Regent' in the original Manuscript.

Efter a littil tyme he callit a Parlement in Edinburgh at the whilk most pairt or neir al the Nobilitie wes present als weale the faction opposit to the Quene & the reteiners of hir than in Captivitie whairof he the Erle of Murray wes become head, as the opposit faction to wit these that had maid the lige or band at Dunbartane the Penult of Juin preceiding for the Quene hir libertie & dyverss vthers of nather faction.

This Parlement wes keipit in Edinburgh & begun the 25 day of August the said 1567 zeir.

At it my father labourit ernestlie privatlie & publiklie to procure the Quene hir ful | libertie & Restitution to hir former [f. 301] f. 7 authoritie & Governement & that al things done be hir during hir captivitie micht be accomptit & estemit as nul being so in thameselfs be Law as done be force & for feare of hir lyffe. Bot hir opposit pairtie scheu thameselfs so vehement & hir Pairtie or these professit affection to hir Maiestie so weake & irresolute albeit bothe the greater number & more michtie. That al things done against hir Maiestie or to hir Preiudice & confirmit in Parlament & al that wes for hir libertie Authoritie or benefit wes altogither reiectit & refusit.

At the nixt Parlament in December fallouing for pleasore of Ingland war the verye strong fortressis of Dunbar & Inchkeith ordeinit to be demolisched as efter schortlie it wes executed to the marvellous great hurt of the cuntrie & manie vther things abolischit & vther establischit to the no les hurt thairof al be the pouer of the Erle of Murray & of his pairtie.| [f. 301b] f. So that if befor the Parlament my father wes forcit for the Quene hir weale to conniue & wink at manie things as not seene be him efter it he sau of necessitie he must so doo expecting some vther fit occasion to praktise & put in execution the great & ernest desyre he had to woork & procure bothe libertie & the former Authoritie to the Quene than in a most desolat estate. Bot no remedie thair wes befor Maii thairefter in the nixt zeare 1568 at what tyme it pleasit god to relieue hir Maiestie be (in a maner) miraculous meanes.

Bot alace hir libertie wes not of anie continuance, for in feu dayis efter hir escape furthe of Lochlevin hir forces being overthrouin & defait at the Langsyde as schoo wes going to Dunbartone schoo fled first in Gallouay & efter trusting more

freindschip in Quene Elizabethe of Ingland nor thair wes caus or reason so to doo & sore against the opinion & Counsels of
[f. 302]f. 72. the noblemen & gentlemen than withe hir who | al did protest opinlie in the contrair & the cheifest of thame took & procurit fra hir documents of hir hand bearing expresslie thair disassent fra that hir wilfule & Infortunat voyage schoo Imbartit at the foot of the Water of Vre in Gallouay & saylit over Salloway a firthe divyding thair the tua realmes of Scotland & Ingland to Workington a littil heaven & fischer toun in Cumberland in Ingland.

Be the officers in that place the Warden of the Westmarches cheiff officer & the Quene of Ingland hir lieutenant in that Cuntrie or his deputie wes advertysit who withe al diligens repairit to the Quene withe the gentlemen of the Cuntrie & convoyit hir thairfra to Carleil. & efter some littil tyme be the Quene of Ingland hir ordor schoo wes remoovit thairfra to Bolton Castle the Lord Scroope his cheiffe houss in Richemondschire or Zorkschire farder in Ingland & thair had keepers
[f. 302b]f. 72b. and gardes put to hir vnder colour to keep hir fra hir | ennemies in Scotland, whan cleirlie schoo sau hirself Prisoner & did ernestlie repent hir wilful & inconsiderat repaire in Ingland.

For til that tyme & place schoo wes maid beleeue that the people about hir wes to honor & obserue hir, & to guard hir fra the borderers & hir enemies in Scotland Carleil being in. 4. myls to Scotland, & als neir the most potent & disordered borderers of bothe realmes. And that directlie schoo wes to go to Court to be honorit & respectit conforme to hir qualitie thair, & efter to be sent home withe ane armie to repress hir seditious & rebellious subiects. Bot Bolton Castle being a hundrethe myls in Ingland fra Scotland or the frontiere thairof & schoo more strongelie & strictlie gardit withe les libertie & no way permittit to go to court as hir hoip & desyre wes maid hir cleerlie see that schoo wes stil in hir ennemies handis & that to escheu Scylla as thai say schoo wes fallin into Charibdis.

[f. 303]f. 73. During the Quene hir Captivitie in Lochlevin the Erle | of Bothwell thinking Dunbar no sure place for him left it (whilk be the keipers wes schortlie efter surrenderit to the opposit pairtie) went first to Orknay (whairof latelie befor the Quene

had maid & created him Duke) trusting himself als littil to it, took the sey & for want or skant began to Rob & spoyle schips & marchandis. bot being egerlie pursued be the Laird of Grange sent withe schips against him he left his schips, & fled in les boots throche scholdis & straits amangest these Ilandis of Orknay whair the Laird of Grange his schips culd not fallou him being greater nor these streits or scholdis culd admit or beare. taking advantage of the nicht & darknes had escaped so far, yea befor the Laird of Grange had anie knouledge of his flicht or of these streits & scholdis. That when he had thair wes no possibilitie the way he wes forcit to tak in fallouing him to atteen to him or to oversy him albeit he vsit al possible diligens. & so the Erle of Bothwell escaipit . . fra him . . . . | Jutland in Dannemark whair presentlie at his [f. 303b] f. landing being thair knauin to haue some yeares befor maried a gentlewooman of Norroway wha he schortlie & efter maried vthers schoo being stil alyue he wes Imprisonnit for the wrang he had done to the said gentlewooman in abvsing, leaving & deceaving hir & wes kept stil in prison in a castle callit Dracholm in that cuntrie to the hour of his deathe ten yeares efter being become in the end distractit of his wits or senses as is thocht or alleagit be some, whou treulie I know not.

Efter the Quene hir going in Ingland the Erle of Murray & his pairtie directlie opposit to the Quene began to vex & molest these had assistit & bene withe the Quene at Langsyde & did stil akknouledge hir authoritie in manie sorts. Bot my father in manie things did directlie & indirectlie procure to thame al possible eass & quietnes saving manie thairby fra great harme albeit he culd not altogither safe al as he greatlie desyrit, as Buchanan, Thuanus & vthers his no great freindis witnesseth.

| On the vther pairt the Erle of Murray & his pairtie delt [f. 304] f. ernestlie withe the Quene of Ingland be missiues & his agents cheiflie be M^r^ Jhon Wood his ordinarie Agent at the Court of Ingland at that tyme to reteen our Quene stil Prisoner. Charging hir withe things verye odious & dishonorable.

To returne againe to our Quene left a Prisoner & desolate as it war in Bolton Castle.

Schoo did be lettres, ernestlie desyre of the Quene of Ingland

acces to hir in proper person & secours to repress hir Rebels in Scotland. being secondit or assistit in these hir desyreis be the Ambassadors of france & Spain making the lyke requeist for hir Maiestie at the Court of Ingland in thair Masteris names, or at least libertie to returne bak in Scotland or to go whairsoevir it suld please hir to seik help & assistance of vthers.

The Quene of Ingland being altogither vnwilling to grant to our Quene in proper person acces. als littil desyrous or
f. 80b]*f. 74b.* willing to grant to hir Maiestie secours against | hir Rebels in Scotland & being firmelie resolut no way to permit . . .

[*The Manuscript ends thus, unfinished.*]

SOME LETTERS
AND CORRESPONDENCE OF
GEORGE GRÆME

BISHOP OF DUNBLANE AND OF ORKNEY

1602-1638

Edited by

L. G. GRÆME

INTRODUCTION

THE following papers, which came into the editor's hands on the dispersion of the late Sir Thomas Philip's collection of manuscripts, seem to deserve a place among the publications of the Scottish History Society; for Bishop Græme, to whom they relate, though not a very distinct figure in history, stands out as a typical representative of the moderate tradition in the Church. He was a genial, shrewd, kindly man, with a capacity for business, a vein of quaint expression, and a sense of humour which give an interest to his letters.

George Græme was son of George Græme, the second of Inchbrakie and Aberuthven, who was grandson of William, Lord Græme, first Earl of Montrose, by his third wife, Christian Wavane, Lady Haliburton and Segy. The eldest son of this marriage, Patrick Græme, obtained a charter (1513) of the lands of Inchbrakie and Aberuthven.

This Patrick Græme married Margaret Stewart, granddaughter of the Duke of Albany, son of King James II., and had (with other children) an elder son George Græme, who married (*circa* 1555) Marjory Rollo, a daughter of the ancient house of Duncrub. Patrick Græme succeeded his father in the Inchbrakie estates and was the parent of George the future bishop.

Besides George there was an elder son Patrick, who carried on the line of the Græmes of Inchbrakie, and five daughters who married into various families of distinction; but it is with George Græme, the second son, that this short sketch is concerned.

Educated for the Church he took his degree at St. Andrews in 1587, and was appointed in 1590 minister of the parish church of Clunie, then in the presbytery of Auchterarder, where he also served the chapel of 'St. Katherine within the loch,' the ruins of which stand beside those of the castle of Clunie on the island of Loch Clunie.

In 1595 Græme was transferred to the parish church of Auchtergaven, with Logiebride to serve as well; and in 1599 he was appointed minister to the parish of Scone.

George Græme married about 1593 Marion Crichton daughter, by Isobel Borthwick his third wife, of Sir Robert Crichton of Eliock and Clunie, Advocate-General in the reigns of Mary Queen of Scots and James VI., and half-sister of the 'Admirable Crichton.' She was a considerable heiress, and had been carried off from her guardian by Robert Crichton of Cluny and Patrick Græme of Inchbrakie,[1] and her descent is shown in a charter under the Great Seal dated 29th September 1602, which calls her wife of George Græme, then styled 'Dean of Dunkeld.'[2]

It is not the object of this preface to give a history of the bishop's life, but only to connect the following correspondence with any special event of his career.

The first document in the collection gives his name, when he is appointed to sit in the General Assembly of the Church of Scotland in 1602.

Græme was among the first ten of the Scottish clergy who accepted prelacy as instituted by King James VI. in spite of the strong opposition which was shown on its introduction to Scotland, and the Assembly called on him, when the synod sat at Perth in April 1603, desiring that he should explain whether a statement that he had accepted the bishopric of Dunblane 'be of veritie or not.' Græme replied 'that his friends by advice have obtained that gift for him, and that

[1] *Records of the Privy Council*, 1592, p. 710.

[2] *Register of the Great Seal*, and *Or and Sable*, by L. Græme, Edinburgh, 1903.

he awaits the consent of that Assembly thereto, as his conscience does not permit his accepting it without satisfying the brethern concerning it.'

That he held doubts on the advisability of accepting it is shown from a letter among the family papers, written to him on May 13th, 1603, by his step-father, John Græme of Balgowan, reproaching Græme for his delay and hesitation, and urging on him the advice of many friends that he should decide at once to accept the bishopric of Dunblane.

The Assembly seems to have given tacit consent to the step, for in 1604 William Couper of Perth and he were still on friendly terms (see Letter 2) though Græme had held his diocese over a year, and it is not until 1606 that we find him attacked by his 'bretheren,' owing as much to the detention in ward of the deputation of Scottish clergy (by the court being held in London) as to the step of prelacy itself.

The silence of the Assembly at Falkirk again gave a tacit consent in May 1609, and, says Calderwood, 'gives the bishops a point';[1] for when the ensuing Parliament confirmed the bishop's commisariats, no opposition was made. Among the manuscripts not transcribed is the lengthy deed of appointment by King James VI. of George Græme to the diocese of Dunblane, that the bishopric being 'now vaikund and in his majestie's hands be the dismissing' of Mr. Andro Grame, the youngest son of William, first Earl of Montrose, and the new bishop's grand uncle, who had been deposed from the ministry in 1594 as careless and 'non-resident,' it is conferred on Mr. George Græme.[2] This document is signed by J. Lord Balmerino (his hieness' secretary), Mr. John Prestoun of Fentownbarnes (collector-general and treasurer of the augmentation), and David Murray, Lord Scone.

The most bitter opposition George Græme met with was from

[1] Calderwood, vol. vii. p. 35.

[2] Further reference to this Andro Græme may be found in *Or and Sable*.

Mr. Adam Bannatyne, minister of Falkirk, a staunch Presbyterian. In 1604, he writes to the new bishop as follows:—

'I see nothing in the but a man-sworn man, if the bretherne would follow my counsillis we should presently give the over to the devill, but because they pity thee let this advertisement move thee that thou mayest cast off that unlawfull place and calling which thou hast taken to thee.'

By 1616 Adam Bannatyne had changed his mind, and succeeded to the 'unlawful place and calling' left vacant by the translation of Græme from Dunblane to the bishopric of Orkney and Zetland.

The new Bishop of Dunblane attended the Parliament held in the summer of 1604 with his uncle, Peter Rollok [see Letter No. 2], who was Bishop of Dunkeld for a short time.[1]

In 1605 the Bishop of Dunblane accompanied his cousin the third Earl of Montrose to court, and they travelled together to London; George devoting himself and his purse in some special manner to the earl and the king's service. This is alluded to in a 'tak' from John, Earl of Montrose, who as heritable proprietor of certain lands in the lordship of Hunting Tower, grants 'to our well belovit cusine Maister Georg Grahame, minister of Chrystis Evangell, and specially considering that the saidis maister George past with us in companie to the Realme of Ingland upon his large chargis and expensis, . . . the lands of Heichannes (?) with town, biggings, and fermes for 19 yiers tak,' for the sum of ten pounds per annum.

In 1606 the bishop's great friend, Mr. William Couper, minister of Perth, was sorely exercised at the step Græme had taken; and in November he wrote him a strong letter blaming him for his acceptance of the bishopric. The letter may be read in full (Calderwood, vi. 600), but some

[1] Calderwood, vol. vi. p. 493.

sentences are quoted to show the terms the friends were on:—

'I have received your commendatiouns from B. [possibly Balgowan] which were needeless if ye had keeped your wounted heart. as for me I never hated you, your course wherin ye are entered I never loved.

'Although the fruits you enjoy be sweet yitt the end sall prove, it never grew on the tree of life. Doing in a work of conscience with doubting, turneth light in darcnesse wherupon followeth induratioun. . . .

'Heere ye stand, and therefore I cannot stand with you except it be to witnesse to God in my heart against you that yee have gone wrong. Ye hope in this course to doe good, but it is hard for you to worke miracles. At least yee will hold off evil. . . .

'Ye skarre at them whom ye were blythe to see, ye lyke not the light ye loved. . . . Consider your self where yee was, where yee are now, et quantulum illud sit, propter quod nos reliquisti. Thus loveing yourself and not your way I end.'

This forcible appeal would impress us more fully as to the error of Græme's acceptance, had not Couper in 1613 succeeded Gavin Hamiltoun as Bishop of Galloway, holding at the same time the appointment of Dean of the Royal Chapel of Holyrood, residing almost entirely at his house in the Canongate, and, unlike his friend Græme, scarcely visiting his diocese. Notwithstanding when Couper died in Edinburgh in 1619 we see the strong affection Græme, now Bishop of Orkney, had for him.

In 1606 the bishops rode in state to attend the Parliament held by John, Earl of Montrose, as Lord High Commissioner; they were placed in the procession between the earls and the lords, two and two, George Græme riding beside his friend David Lindsay, now Bishop of Dunkeld; dressed in silk and velvet with their 'Foote mantles.' Calderwood tells us that on the last day of the Parliament, as the same position was not given them they preferred to walk.

On June 11th, 1607, Bishop Græme gave his oath of

allegiance as Bishop of Dunblane; in the same month and year he attended a synod at Perth, when a prosecution for contumacious proceedings occur; and on July 31st sat at a meeting of the council in Edinburgh.

In 1609 he was appointed treasurer of the accounts for building the new bridge at Perth; and during the same year in February, November, and twice in December, he took his due precedence in Parliament and in the Convention of Estates.

In 1609 a letter from the Privy Council summoned him to appear on the 6th November, and give in a 'trew athentik rentaill of your benefice, with a perfyte, ample, and cleir role and catalogue of all and everie deed done by your Lordship since your entrie into that benefice in disposing of landis, kirks, or teynds,' etc., etc.

The response to this is a pension of one thousand merks by King James VI. to be paid yearly, in consideration that the bishopric 'is very small and somewhat dilapidated, being left in that condition by the last possessors.'

The Bishop was at St. Andrews in 1612, and is a witness to the ratification between that City and its Archbishop. In 1610 he was constituted a member of the High Commission by King James; and in 1614 and '15 he was appointed to sit on the trial of witches at Dunblane, and was granted a bond by James Murray, younger of Strowan, near Crieff, to 'scaithless keep the said reverend father, and every Bishop of Dunblane,' in certain dues of bread and wine to the kirk of Strowan, and to the maintenance *pro rata* of Strowan lands of the church of Comrie.

The same year (1615) the bishop applied for the Archbishopric of Glasgow, but did not succeed in obtaining it, and was translated to Orkney instead, becoming Bishop of Orkney 26th August 1615. After this date in most deeds he is styled Bishop of Orkney and Zetland,[1] and in this he

[1] See *Reg. Mag. Sigill.*

followed the designation of his predecessors, Bishops Bothwell and Law, and he is so styled in his wife's testament.

Amongst the documents (Nos. 7, 8, and 9) are the inventories and letter will of the bishop made just after his appointment to his new diocese; and we can see that this writer had much capacity for business. A touch of his far-seeing whimsicality is shown in the clause regarding Lord Piltown having no children (No. 7), and when (No. 9) he speaks of his wife's possible re-marriage. Many friends are mentioned, but not a tithe of the large circle which held the bishop in high estimation is given. One (No. 8) alludes to the sums expended for the king, and the bishoprics of St. Andrews, Glasgow, and Dunkeld, which he leaves in the hands of William Couper, now Bishop of Galloway, to arrange.

The dates of Nos. 8 and 9 show that the bishop visited David, Lord Scone, and it was during this visit, extended to May, that King James appoints him one of a commission to plant 'Kirkis in dyvers districts where, by want of the same, ignorance and atheism abound.' He also received power from a commission to summon through 'Sir Wm. Oliphant of Newtown, our Advocate,' all persons who are offenders in life or religion, specially 'Jesuits and papist mass priests.'

Later he went to Glasgow where, in the Bishop of Glasgow's lodgings, he took part in the examination of Calderwood. During this period he was attacked by the Presbyterian party for curling on the ice on Sunday.

Unlike his friend William Couper, Bishop Græme lived the greater part of his time in his diocese of Orkney.[1] His activity in the reorganisation of the church there is shown by many documents, and he interested himself in the laws and conditions of the people that came under his somewhat powerful control. Nor were the many scattered and distant island parishes neglected. Various documents date

[1] *History of the Church in Orkney*, Rev. J. B. Craven.

from some of these, and apparently his family accompanied him on those visitations. His youngest daughter Jean (whom he refers to in document 9 'tho' sche be put last let her be payd first') died in Sandwick, and was buried there in 1623.

The adornment of the Cathedral church of St. Magnus became a matter of deep interest to the bishop, who erected many fine carvings of oak in it, notably the pulpit and the bishop's gallery or loft; he restored the bells, as well as presenting two silver chalices, and two very large alms dishes of curious and elaborate Dutch brass work; he further erected or restored the fine old cross of red sandstone which was placed in front of the cathedral.

In June 1619 he sat as High Commissioner in Orkney; this year is also marked by the death of his friend, Wm. Couper, the Bishop of Galloway; and the Bishop writes with deep regret concerning it to his son-in-law, Patrick Smythe of Braco, as follows[1]:—

'Lett me have ane it were bot a scho latchet of his for my rememberance; quhile I lieve I will never see, no nor heir of his mack. I hier how Breichane sal be Galloway, Dunblain Brechene, and Lyndsey Dunblane. . . . Son do what you ye will I must go to Galloway, good Galloway, who will be to me as was Galloway? with my dewte to his wyffe and children, I rest, your father,

'GE. B. OFF ORCADS.'

This letter is docketed to

'Richt Honble sone-in-law. Pat Smythe of Braco.'
'Quas last letter to me was not directed.'

The writing is so much obliterated in places as to be quite illegible; but the rest chiefly refers to a gift to the bishop of 'a bony vaik bow,' and to instructions regarding the cargo of a *Hollander*, one of the vessels of merchandise, 'I luike for a punschen of sak, some resinges, Tobacco, and sik uthe-

[1] Family MSS.

trittel trattelles.' It was probably a *Hollander* brought over the brass alms dishes.

In 1621 Alexander Seton, Earl of Dunfermline, writes to him the following letter:—

'To the Reverend Father in God our verie goode Lord the Bishop of Orknay.

'After our verrie hairthie commendatione to your goode Lordship, we have ressavit ane letter frome the kingis maiestie containing some matteres to be imparted unto your Lordship and the rest of your Lordships bretherne of the clargye; quhilkis requyries your Lordships aune perusal hier, theise are thairfore to requeist and desyre your goode Lordship, to addresse your selff heir upon the saxt day of July next, at whilk tyme your Lordship and the rest of your bretherene who are lykewysae wreitten for to keep this dyet, salle be acquentit with his maiesteis will and pleasure in the mattaris quhelkes his maiestie hes commandent to be communicat unto your Lordships; and so resting assured of your Lordships preceise keeping of this dyett, comitties your Lordship to God. From Edinburgh the threttene day of Janey 1621.—Your Lordships varrie assured goode friendie,

'A. S. CANCELL^R.'

A good six months' notice for this distant diocese. Græme obeyed the summons in due course, and is again in Parliament confirming the 'Five Acts of Perth' on August 4th of the same year; and on April 22nd he sat as the Moderator of the Perth Presbytery. Between that date and 1630 the Bishop of Orkney was occupied with the affairs of the bishopric; and the purchase of his estates—Græmeshall and Breckness—to which his second and fourth sons, Patrick and John, succeeded. Patrick Græme became minister of Holm, and succeeded to Græmeshall, and John Græme succeeded to Breckness. About this period the bishop also purchased the barony of Gorthie in Strathearn. The prudence of this step was a doubtful point in his own opinion, though he inclined towards it; and his eldest son, David Græme, was strongly in favour of it.

The letters (Nos. 10 to 14) concerning the purchase are given in full, and abound with the quaint expressions which are characteristic of the bishop's correspondence.

It may be well to explain that Lord Tullibardine was cautioner for Sir David, whose lands of Gorthie were, at the time of the bishop's purchase, in possession of Sir William Moray of Abercairny, as executor for his brother, the late Sir David Moray.

Letter No. 10, dated from his house at Skaill, 8th January 1630, is the reply to David Græme who has begun to press that his sister Marion's dower might be devoted to the purchase; but the Bishop did not agree to this, and explained that the times were bad, and in Orkney payment to his ministers even was in arrear. He considered the sum of 71,000 merks an unreasonable price, which amount the late owner paid for it, as stated by Sir Mungo Moray (brother of Sir William and Sir David). The last was the husband of 'Dame Agnes' spoken of in Nos. 7 and 9 as well as in No. 13.

No. 11, dated March 2nd, is the reply to a letter from his son which has gravely offended the bishop, who uses one of the quaint expressions so frequently met with in his letters, when pointing out to David Græme his thoughtlessness in 'scenting' his father's avarice from the far north when the winds have been continually from a southerly direction! It is a long epistle, and enters into many matters besides that of the purchase of Gorthie; but the constant reversion to that subject in all the letters shows how the bishop's heart is acting against his head by the hope, in spite of the possible imprudence of the step, that his eldest born may settle in Perthshire.

In (No. 12) the next letter written from Skaill, April 16th, in reply to one from his son dated March 6th, the Bishop is more averse to the purchase. He has sent his son-in-law, Mr. Patrick Smythe, 'south' (though at great per-

sonal inconvenience to that gentleman and his family) to try and guide the hot-headed youth to a more prudent frame of mind, for David Græme leans as much on the guidance of his brother-in-law as the bishop does. In the meantime, crossing it, Græme receives a second letter from his son David (No. 13) on the all-engrossing subject of the purchase, pointing to the fact that he has actually concluded the bargain without further replies from, or reference to, his father; trusting to force him into compliance to provide the money once the matter is accomplished. The letter is chiefly remarkable for the mode that Bishop Græme uses to reply to it, by dividing it into sentences or paragraphs carefully numbered, while on the margin with corresponding numbers are the father's trite and sarcastic replies; notably paragraphs Nos. 2, 5, 7, 9, and 11.

The last letter on the acquirement of the Gorthie estate is undated (No. 14), but appears to be the reply to a letter from David Græme, written in answer to the return of his own with the bishop's annotations on the margin (No. 13). He has accused his father of not keeping faith, and the bishop is for the second time deeply hurt by the accusation; and also annoyed by the egotistical tone of the letter, which tells nothing of the news of the great world having so deep an interest to the man who is dwelling exiled from the haunts of his youth in the far north. The bishop writes David a homily, remarking however that he knows he will scarcely read it, as it will not 'be gust to thy palate'; but on all points the advice is sound, especially that where, in order to have no unpleasantness between old friends, the bishop counsels that all matters with Abercairny are cleared off.

Among the manuscripts is the Renunciation by the 'Earl of Tullibardine, Lord Murray, Lord Gask, and Balquhidder' as cautioner for the late David Moray of Gorthie; having paid a debt due by the latter to Dame Margeret Livingstoune, relict of the late Sir Thomas Livingstoune, servitor to the

right honourable and mighty prince, the King of Bohemia Prince Palatine, Tullibardine now resigned into the hands of David Græme fiar of Gorthie, and George, the Bishop of Orkney, in liferent, the estate and barony of Gorthie. This document is dated at the Canongate on the 1st October 1630, signed by the Earl of Tullibardine, and witnessed by his servitor, Mr. John Rollo.

A short letter, dated 11th March (No. 15) is the last in the volume from the bishop to his son. David Græme married Catherine Myrtoun of Cambo, in Fife, early in 1632, and this letter must have been penned a couple of years later, for there is reference to 'Ket and her son' in it.

An introductory note can scarcely be closed without reference to the step Bishop Græme took in 1638. In that year he submitted at last to the General Assembly at Glasgow, at the very advanced age of about eighty-five, when his second son, Patrick Græme, minister of Holm, in Orkney, laid before the Assembly his father's submission, which Græme's age and feebleness prevented him from presenting in person.

At this period the bishop (who had become a widower in 1633) resided much with his second son, Mr. Patrick Græme, minister of Holm, a staunch Presbyterian, whose wishes, no doubt, influenced his aged father; the submission is witnessed by the minister of Holm as well as presented to the Assembly by him.

It has been shown that George Græme hesitated before accepting his first bishopric. The acceptance was strongly urged on him by his relations, and his consent may have been further obtained by his royalist convictions, which inclined him to join that section of the clergy who honoured their king in contradistinction to the church party whose language, in their zeal for the forms they affected, dishonoured their sovereign.

Whether Archbishop Laud's prayer book was a stumbling-

block to Græme and the other Scottish bishops (Alexander Lindsay, Dunkeld; Abernethy, Bishop of Caithness; and Fairlie, Bishop of Argyll) who sent in their submission, may be a moot point. Their action caused a correspondence between Bishop Hall of Exeter and Archbishop Laud, who comments on the 'baseness and ignorance' of the Bishop of Orkney's action.

No doubt both Episcopalians and Presbyterians may criticise severely the bishop's action; but in the documents printed here he appears at least as a good adviser, and we know that he worked for the good of the church he adopted.

The exact date of his death is unknown, but David Græme of Gorthie his eldest son was served heir to his father 'Maister George Græme' in 1647.

L. G. G.

MORTIMER, 1903.

SOME LETTERS AND CORRESPONDENCE OF GEORGE GRÆME

No. 1

The Generall Assemblie of the Comissionaires from th Presbytioris of the Kirk of Scotland haldin at haly roo hous the tent of Nov^{r} the yier of god ane thousand se hundreth and twa yieris.

Sexth Sessione 6, 15 Novembris 1602, [states that the As sembly think it expedient to nominate others of the brethren t be added to those] 'quhilk is now nominat be the comisioner of the provinces convient at haly roodhous the fyftene day o October ane thousand sex hundreth yieres. Out of the quil noumer his Māt^{ie} suld mak choise of six as he suld present t the benifices vacant.'

The list of names is as follows:

Mr. Robert Pont.	Mr. Robert Howie.
Mr. James Nicholson.	Mr. Alex^{d} Scrymger.
Mr. John Forbes.	Mr. Gavin Hamilton.
Mr. George Monro.	Mr. James Robertsone.
Mr. John Howesoun.	Mr. James Melvill.
Mr. Andrew Knox.	Mr. Patrick Gallowway.
Mr. Alex^{d} Douglas.	Mr. Alex^{d} Lindsay.
Mr. Robert Wilkie.	Mr. John Spottiswood.
Mr. W^{lm} Malcolme.	Mr. Alex^{d} Forbes.
Mr. John Knox.	Mr. Andro Lamb.
John Clapperton.	Mr. George Grahame.
Mr. Robert Price.	Maister John Carmichael
Maister Patrick Lindsay.	

The extract is signed by Maister Thomas Hope, Clerl depute Keipare and extractor of the same.

No. 2

To his weilbelovit Mr. George Graham Bp of Dunblane.

Sister Son,—giff the parliament hald uponn the appointit day that is the thrid of July, it will not be possible to vss to ryd, and be agan to It; and gyff we be fra It (I feir we offend his majestie,) and to tak ane suddon journay ye vill have na pleasour. Therfoir I thocht guid to stay our jornay till immediatlie after the parliament, and to advertise yow theroff (Ther is no benefit can com to me throw my going in now) bot I will postpon it to his Majesties service, and office alvayis; giff ye Controller hes brocht ony vorde of a stay of the parliament, giff it wer bot for aucht dayis, com ye forvard I pray you we will hald our jornay, bit giff he hes brocht na vord of stay we will continew till after the parliament. Send me word I pray you quhat newes he has brocht home. Sua efter my hartlie commendationn of service to my Lord Chanceller, quhais remaning, I vald be glaid to knaw, ontill the parliament; giff his Lordship reman In Perth I vald com over and bring my bow with me and reman with his Lordship untill the parliament, and shoott with gud fallowis; giff otherwayis he be purposit to ryd ony way, send me vord lykvayis, and I vill conforme me therafter. Commending me to your father[1] and mother[2] efter my hartlie salutatioūs to Mr. William Couper[3] I committ you all to the Lordis Almyghtie protectioner.—Youris oncle at his power, Peter Rollok.[4]

Edinburgh, the 13 Juny 1604.

No. 3

Precept Comptroller for my lord Commissioner and Mr. Gorge Graham to Thomas Hemdersome.

Chamerlane,—ye sall giff ane perticuler assignasion for This yeir off fayftine chalders vituall tua pert mell[5] and thrid pert

[1] John Græme of Balgowan was George Græme's stepfather.
[2] The writer's sister, Marion Rollok, and widow of Græme of Inchbrakie.
[3] Minister of Perth, afterwards Bishop of Galloway.
[4] Bishop of Dunkeld, sat as Lord of Session under title of Lord Piltoune.
[5] Meal.

ber,[1] furthe off the rediest vituall and teindis off the Lordship off Huntingtur, to my Lord off Muntros his Majesties Commissioner. Siklahk[2] ye sall giff ane perticular assignsion off ten chaders victuall mell and ber as it is payit to the King, to Mester Gorg Greme bissop of Dunblen furthe off the teind shevis off Anual mele, and quhar it vantis, supli it furthe off the rediest off the Lordship that is not assignit to uther persunis, sic as Sir James Lunde, Jon Gib, Mester Willem cuper, If ther be nocht to serve it let me be advertist; and let thir presents be your varrand.

D. Scone, Comptroller.

No. 4

To my varie honabl guid Lord the bischop of Dunblane.

My gud Lord and Cusing,—I thank you hertlie for your luving advertisment off thes things that you heff hard off my prosedings; My gud Lord apardone me to say sum thing for my selff. It can nocht cum off ane gude relur[3] nor fre ane honest hert to sensur enay honest manis procedingis our mallissiusle[4] till Thay se the end; for God quha Knawis the secrets of all hertis knaws my intentione, And as it is knavne to him so sall it be knavne to all the varld shortle; and to this afee I vill request yow as my pastur to tak the penis to cum heir and speik with me as shortle as ye may, and I vill srayff[5] myselff to you in that mater, and quhat I heff no ressun to do I vill be advaysit with you and uthers my gud friendis, quha I knaw luvis boithe my saule and bode. Now my Lord I conclud With this, that the divill is not sua ivill as he is cald, quharfor suspend your opinoune to your meting and myne. as to my schiep,[6] I can not tell quhat It can be vurthe to me as yit, for if she thrayf, she vill multiple and incries, Iff uther vays she be but bairane,[7] I heff lost mor nor tuente schage[8] can be (vurthe) and I can sper[9] that on[10] amangs the rest; ye are judisuous as enehe[11] bot I will mak my owne apollege at

[1] Barley. [2] Likewise [3] Ruler.
[4] Over maliciously. [5] Shrive. [6] Sheep.
[7] Barren. [8] Groves. [9] Spare (?).
[10] One. [11] Any.

meting quhilk I luke for als shortle as ye can, sua restis, Your werie assurit at pover, D. SCONE.

No. 5

To my lord my Lord bishop of Dunblane.

MY LORD,—I have biddin till this day, var not Sir George erskyne stayis on me I vald also have stayit; bot my confidence is so in your lordship that I think I neid not hurry particularly. Communicat my mynd to the archebishop of Saind Androuis quha hes promist to do my turne. I sald think it ane gret faulte gif I haid left the people on provydit for: the satisfaction to mester Jhone Gillespy for the hous according to order set down, it shal be satisfiit, albeit the hous be extreordinar for sik ane pairt, I think alredy the paroshineirs hes gifen mair nor vas neidful yet I vil not be agains the ordinances of the kirk; the assurans I have of you makis me to employ no uther, and lukis for expedition as your lordship shal alvayis command.—Your maist assurid brother to his power,

JAMES, Lord Colvill of Culros.

dalkethe this 27 of december.

I pray your Lordship ad[vise] vithe mester Jhone gillespy to tak reason for his hous according to the order of the Kirk.

No. 6

To my verie gude lord and brothere the beshoipe of Dunblane.

BROTHER,—resave your horning[1] fra this berar, quhair ye vreit it is the last, I feir I sal get ane horne in in yow heid al yeir; alwayis I am content ye the anser of yowr externall hornis, as to yow braig to come heir ye sal be veilcome,[2] com quhan ye pleise; I vreit to Mr. Alexander Yrland Sa God keip yow in hast I rest.—Youris, DUNKELL.

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[1] A legal application to recover a debt.

[2] Welcome.

No. 7

An Inventory

Orcad[e] Directione of the Steat of my effairs
Inventor G. B. of Orknay at the Martimes befor his intromission, quhich sould be at vitsondaie 1616.

Imprimus on Pitskelli fyve thousand iij[c] mark.

Item on Pittintien ij[m] mark, this seven thousand I leve to my sone David; reservaned his mothers lyferent of Pitskelli.

Item, In the laird of Duncroubis hand iiij[m] mark, this I leve my second sone Patrik, and himself to my brother Jhon[1] and his father.[2]

Item, In the handis of Laweris[3] his brether Coline and Jhon ij[m] mark, this I leve to my yongest son Mungo.

Item, in the handis of Cromlix[4] iiij[m] mark, to be imployed efter it be liftit, be the laird of Inschebraky Bagowne and his sone; this, lest I give suspention for sum yeiris, I leve to my tua doghters Elspet and Agnes.

Item in the handis of the Erle of Errol xij[c] mark, and viij hunder redy mony; I leve to my doghter Catrene with fyve hunder marks restem be Patrik Smyth.[5]

Item, Cromlix band in tua hunder iij score xviij lib, Item, be his tenentis of fe on Curryvachte, according to the compt given to John my brother v[c] mark and sum mor. Item the Vitsunday terme of that Victuell ij[c] mark. Item, Restand be Coltmalindi[6] of 1614 iiij[c] mark. Item, the profeit of Cromlix silver, to be taken out of the first end to Martimas 1616 iiij summa ij[m]: this I leve to my doghter Jeane.

Item to my daghter Mariori j[m] lib in the B of Dunkelli[s] handis, this sowme to be med good to hir out of the redyes (*sic* l. of) the teinds of Coultmalindi resten holly for the cro[p] 1615; the rest to my Sone David with v[c] lib resten be Patri[k] Andersone, and ane hunder be George Strivilande.

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[1] His half-brother, John Græme of Balgowan, younger.
[2] The bishop's stepfather, John Græme of Balgowan.
[3] The bishop's half-aunt was the mother of Campbell of Lawers.
[4] Drummond of Cromlix.
[5] Of Braco, ancestor of Methven.
[6] Bruce of Cultmalundie.

The plenesing of Pitskelli, to the bairne that is in the Mother's vymbe.

John Youngs vyf l^c mark; the 2 men in Bagry for corne ij^c merk and xl^s.

I heve bandis of Patrik Smyth for iij^m mark (on of a thousand quhairof I discharge him v^c; the other v^c to be payed to his brother Andrew to whom I am bund be the said Patrik). Item, the other tua thousend I heve be assignation fra Wm. Olypher, this I orden him to pay Patrik Anderson j^m mark; so he will rest to me only fyve hunder mark if I die presently, quilk I left before to my daghter Catrine.

Item, I heve above v^c mark of Godde[1] that Pat Smyth vittis quhair it lyes, let this help the vaikest, it is my purs pennys; he will tell if I tak it with me or leve it at home.

ORKNAY.

George B of Orcad^s.

I leve my eldest sone to the educatione of the 2 bischops Dunkell[2] and Galloway.[3]

My second sone Patrik to the tuition of his unkill my brother Jhon Graham younger of Balgowne.

Item, my third sone Mungo with his sister Mariory to their mother with the profait of thair mony.

Item my doghter Elspet I leve with hir portion to Dame Agnes Murray.

Item my doghter Agnes to my brother Inschebreky.

Item my doghter Jeane to M^r Jhon Rollok[4] and to the consideratione of My L of Piltone[5] my Unkill, for he vantis Bairnis and scho is my datir.

I nominat my exceters for sieing this my will done the Laird of Inschebraky; My brother Jhon, Mr. Jhon Rollok, and the B of Dunkeldii; To be oversene be ye Erle of Montroiss, and My guid L of Scone. Glory and prais be to God, this being done I am avand[6] nothing bot that quhilk I think to pay or[7] I go, quhilk is in servand for about L lib and ane hunder mark or j^c lib att the most. GEORG, B of Orcad^s.

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[1] Goods. [2] Alexander Lindsay of Evelick. [3] William Couper.
[4] Of Duncrub, the bishop's cousin. [5] Peter Rollo, Lord of Session.
[6] Owing. [7] Ere.

No. 8

This directione for Informatione of a Testament.

To be opened in presence of The Erle of Montroiss, the L of Scone, the B. of Dunkel, and the Laird of Inschbraky: more plane Informatione for cleiring thir thingis will be hed fra Pat Smyth. GE B. of ORCAD[s].

Inventar of the guidis geir soumes of mony possesed and hed be Ge B of Orknay the 4 of Janner 1617.

Imprimis upon infeftment off the landis of Callender, iiij thousand markis Restis the annuell of Martimes terme j[m] vj[c] and sextene.

Item upon infeftment of the landis of Pittintien, ij thousand mark.

The annuell payed for the Witsonday jm vjc sevintene, and sua restis the half of the annell of that yier.

Item upon heritabill band be my L of Scone, iiij thousand merk the annuell payed to Witsonday 1617.

Item upon infeftment of Pat Andersonis landis in Scone, five hunderth lib.

I am bunde be oth and band to reposses the hearis[1] of the lands of Holl and Braco[2] with Sildereydis and Tempilland, bot they must pay a pairt of that v[c] lib *pro rata*. It is my vill that quhen my executouris levis labouring in Scone, thay be repossessed for the payment of thair led[3] of malt, etc.

Item ane heritable band of ane hunder mark of George Striviling and v firlotis beir,[4] out of his pairt of the Tempilland.

The things above vretten be reasone of the securitiis, will fall to my sone David togither with the tak of the teinde of Tibbermuir, quhair of I vill his assignatione to be guid. The rest of the bandis ar movabellis and personall, and if thay be not so, sua ordeine I thame to be, for the rest of my barinis, and him to acquiess becaus of the teinde. His mother must

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[1] Heirs.
[2] Lands belonging to the Smythes, to whom the bishop was guardian.
[3] Load. [4] Barley.

heve for her lyftyme the annual of the iiij thousand mark my L. of Scone hes, together with Pat Andersonis land.

These thingis following ar to be partit among my chyldrene, and som pairt to my wyff.

Item in my Lord Mathertiis handis upon his band, aught thousand mark and the annuel payed to Witsonday 1617.

Item in the Lairde of Lawers and Collene Cambels handis, tua thousand mark; Pat Smyth knows that rest.

Item I lait[1] my cornis in Pitskelly be tua thousand mark.

Item the teindis of Coltmalindi for this crop 1616 j thousand mark.

Item I heve in my Kist at this tym j thousand mark.

Item be Cultoquhay[2] v^{c} mark upon my brothers vorde.

Item the bandis of James Dalyell, Hary Monkreff vill impart the kingis pryssis at lest, quhilk will be aught thousand mark for the crop 1616.

Item for my paines and great chargis in that busines, my annuill for 1617 extend to aucht thousand mark.

This anno with paiyment of restis restand me my Gratius Soverane and your Lordships my brethring, specialy St Andross and his; Dunkeld, Glasgow and his; Galloway vill see done; I heve hurt my lytell ones sparing this for thame.

As for uther debttis avend to me thay vill be lytell or nothing, yit I think neirlie equivalent to the debtis avend be me, all excep I rest on thousand mark to on Patrik Andersone, qyhilk thousand mark Patrik Smyth hes taken upon him to pay for certen sowms he rests to me. Item he must mak me fre of his brother Andro, And pay to my hairis fyve hunder mark if any uther thing be restand, as I knaw thair is non, be thir presentis I discharge it vith my blissing.

It var best for my bairnis I died now, for sens[3] on this (if God will) I and they must all leive for a yeir, ever spending, they will ever be the purer.

Vitseils and Domiseillis or[4] lytell or nothing vorth I heve 2 beds in Orknay, the on I leve to my sucsessor,[5] the uther I

[1] Value. [2] Maxtone of Cultoquhey, the bishop's nephew.
[3] Since. [4] Are.
[5] Now in possession of Mr. W. G. Watt of Breckness, a descendant of the bishop.

leve to Patrik Smyth for remembrance of his Maister; I leve him the red bed,[1] And also ane uther for him self, and that at my wyfis diseeis out of the hous. GE B off ORCAD[s].

Scone ye 5 of Janner 1617.

No. 9

A LETTER WILL

[*This paper has no docket.*]

I leve my eldest sone with his portione, to ye Tutori of my L of Scone, and educatione of the B of Galloway in particular, for particular burdnis ar best borne.

I leve my seconde sone Pat to my brother Jhon[2] with sax thousand mark.

I leve Mungo thre thousand mark to the tutori of my L of Piltowne; and the laird of Inschbraky.[3]

My doghter Catrene with iij thousand and v[c] mark to my Mother[4] and to quhom scho will, with our old father.

My doghter Elspet to her I leve thre thousand mark, and to the educatione of D Agnes and S[r] Mungo.[5]

To Agnes I leve xxv hunder mark, to Meriory[6] ij thousand, to Margrat ij thousand; To remanne with thair mother. To my vyff a thousand mark, besyd the third of the ane quhilk will be gud twa thousand mark.

And to Jeane I leve thre thousand mark, tho sche be put last let hir be payd first, and in the handis of Mr. Jhon Rollok, of the superplus I leve to the mentinence of the kirk of Scone thre hunder mark; to Margret Cryttone[7] j hunder mark. To Wm. Cose 40 lib, to James Orrell j hunder mark; To Androw Smyth j lib; and to Pat Orem j lib to drink, for he. . . . The Rest I leve to my sone David, excep to Mr. Robert Murray ane hundreth mark.

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[1] In the possession of the Inchbrakie Græmes.

[2] John Græme of Balgowan, younger.

[3] The bishop's brother, Patrick Græme.

[4] Marion Rollo, or Rollock, widow of Inchbrakie, wife of John Græme of Balgowan. [5] Morays of Abercairny. [6] Marion.

[7] His wife's sister.

This particular distributione I heve med for the eas of my frendis, and luikis it sall be the veill of my bairns, specially that ilk on may stryve quha sall do best, bot cheifly in educatione in the fear of God. For oversieing in generall that ilk man do his dewty in particular, I leve my L Montroiss, and the Laird of Inschebraky, the Laird of Duncruib,[1] and the B of Dunkell; if my wyf mary not, scho may help hir lytill ones yeirly; sua that and if scho mary, you four ar voyse inoch,[2] and vill do better with tham. For executting all my errendis I ever fand Pat Smyth a faithfull servande. Let him tak burdeine to eas all that hes entres[3] cane. I think thair will be heir sumquhat to him for his paines, for *sine mercede friget operarius.* GE B of ORCAD[s].

Holl in body prais to God at Scone the 15 of Janer 1617.

No. 10

[*Docket on back:*] To his loving son David Graham.

MY BAIRNE.—I resaved your letter fra James Baptie quhairin ye tell me a purpose proponed anent Gorthie, I beseik the medill not with ony thing that direcly, or indirekly, may tuich my lord Tulybardin; for thou knawis it hes ever bene my mynd to serve and desyr all myne to serve thos popill quhen I am dead. Albeit thay could prefer the to mony utheris, I can not sie how we can be abill to compas that bargan, it is a dangerus thing for men that are frie of debt (with thair holl esteat) to by debt, yet if it may be myne and thyne for fourti thousande lib, god I dout not will provyd in his tym if thou be wyse gody and vertuus. for the present if thow give that for it we will heve lytill to help to mak it self frie, and nothing to the rest of the bairns. I knaw The Master Stormont and Balgowne lovis yow, bot remember that the ep[4] lovis hir zowng onis so weill that for love scho thrustis them so, that contrair hir mynd, scho thrustis all thair guttis out for love. I pray ye be wyse; thay will advyse the for the best I am suir, and will help the quhat they can tho something to thair avin prejudice; bot my Sone I desyr not that thou

[1] Rollo. [2] Wise enough. [3] Interest. [4] Ape.

sould be burdingsome to thos tua quha with young Inschebraky are the thre creatures in erth I love best ye, even better nor thyself; advyse the weill for promice makis debt and I will be leth to do my brother hurt be borrowing his monyis, for I knaw he hes his avine barganis that I will be leth to interup or hinder; if ye blok,[1] be war of distressis on the land. be all meinis ye can go na abone fourti thousand lib. for in Gorthie growis bot lytill grace albeit the grunde be guid, hes beine ane old I will not say a trew proverb. Fering that our bear[2] might not byd tryell, and being assured of proclamationis of discharging our folkis fra landing, we med a bargaine with a hollander that lay heir for the tym; bot having considered your letter I retrinssed, be his avine consent, the bear of Schapinschaw, quhilk with the former restis of the last yier, will come neir xx chalderis; Patrik Smyth to keip our course with David Murray, and that we may hold on with him in all tym cuming, wret to Cairstone and brak bargan in that pairt; he will vret to David that mater quhilk I leve to his letter. I knaw not how your sister Marion her tocher can be used to that purpose of Gorthe, for I wold wish to be quyt of her, *primo quoque tempore*. I see that 40 thousand mark may be hed for that effect, bot quhair the rest of the silver may be hed I sie not, unles ye will sell yourself and by[3] silver. Treuly Sone, I can not help for ye knaw the lest farthing that I heve quhair it is and how it is. and this last yeir quhat for malt of the last yeir and butter of thie yeir, *bona fide* I rest yit abone thre thousand mark to my ministris, quhair I was never avin a penny before in my time after Mertimas to them; for ye knaw I broght non with me. I heve wrettin thairby to S[r] Mungo, and so restis your father.—Your ffather,

GE B off ORCAD[s].

Skell 8 Janner 1630.

Resave that Commissione ye send to me subscryved, and use thes things conscientiusly and vysly as ye will be answerabill to God and me. S[r] Mungo vretis in his letter, of threescoir and elevin thousand mark gevine by Sir David for Gorthie,

[1] Bloik or blok; to make a bargain, or a condition, or a scheme.
[2] Barley. [3] Buy.

and there is non by that offerit. Sone, cum not in such termis, for they ar unresonabill and I fear that if more be offered it will be takin. be warie, ye be no schurehorne;[1] ye gretnes of Sir Davids debts, will appeirandly mak them heve it, that will give moir for it than we can, for ye knaw *potentes potenter agunt.*

No. 11

To his loving sone David Grahame, These.

Loving Sone,—I resaved your leter fra James Baptie with contentment except that I think you to nosvyse[2] that has smellid your fathers avarice and falsety so far aff, sudderly vindis blawing this holl yeir. Ye understand that when I cam to Orknay thair not in my aught[3] silver nor gould except iij hunder marks worth of peissis that keiped my purse; and that in respect of the scairstie of victuall heir, I was restand to my ministers for rest of victuall of thair stipend, three thousand mark (God knowis quhat stet I was in with them to redeime sum of thair very viticillis and domiseillis quhilk thay had pandit,[4] to expyr at Hallowmes. as thair letteris for your better informatione sall be sent to you for verificatione) besyde this, thair butter of this yeir and many for thair stipendis extendis to ij thousand ij^{c} markis, quhairof thay ar now payed except I rest to Mr. Hendry v^{c} lib as yit.

Quhair sould I heve hed present mony for them, or they for themsalfis quhen thair was no cheinge in the cuntrie, excep I had takin the occasione I did tak. Ye ar quhair thair is monyis, and thairin thinkis it esie to gett monyis (*sed si hic esses aliter sentires*) I am a chamerlen in a gret pairt of my stet. Becaus among the tenantis ther wes no possibilitie to gett ten lib. I heve takin a boll for a boll of both this yeir and the yeir bygone, and I think sall extend to sum mor, nor fourty chalderis besyd ye stipendis of my houss. I never thoght, sone, that the excressingis[5] of my rest was proper to my childreng only, nor never will quhill I leive; thair is a pairt thair mor properly, dois appertene from my handis in the place

[1] Greenhorn.
[2] Nose-wise, keen of scent, clever, generally in a bad sense.
[3] Owed or owing. [4] Laid in pledge. [5] Augmentations.

quhair I stand (*ad pios usus*) if the blessing may be so much the moir youris. It is not monyis that makis men rich, bot monyis with the blessing of god. Ye will see Sir, that I heve not bene forgetfull of yow and I beseik god (as treuly I dout not) that ye may be als filiall as I sall be fatherly to yow. I plaine not treuly nather thinkis ever to heve caus. Thes thing that we send to David Murray ye will resave a tiket of them, and as necessiti requyris use them quhen they cum to mony; (at the present I can not tell quhat they will extend to, bot sum must be left in his handis for furnising sik necesseris as ye sall be acquent with for the hous) and advertice me more particularly of the reservatione of the claus of Mr Jhone Dyckes tak, quhilk tak I understand is for viii yeir to cum, and quhat Mr Jhon Maxvell did with thes tua presentations; and if ye heve resaved fra the Advocat my old fundatione [?] with the buik. As for that mater of Gorthie it is true it will not cum in couping[1] every day; But sone, I pray ye consider that it is dengerus to put the hand forder[2] than the sleive can reich. Consider well thy reich. I could be content to reich to the utmest for thy saik, and thow I dout not will help, if ony thing be borroued fra the bairnis, to repay it on the first occasione. Iff thou be gude, then I can not be evill to ye, bot if disobedient in a iot, thou will brek my hert. I can give no particular advyse thair anent, bot quhat Sir Mungo my tua brether, and young Inschebraky dois conclude; I can not well refuse for the.

Ye forget to send me vord quhat was done or to be done in the commissione. Sundry thing in print and in vret going throgh the towne and we ignorant, if it war bot toyis to hold us out of langor, lat us heir sumthing of ilk thing. I heve herd that my Lord Monteth, sould heve gottin 6 or 7 thousand lib stirling for bygone service and chairgis. Quhat is cum of his justice air, and of his erldome of Stratherne? Thornetowns signatour, if past or unpassed? Quhat is come of the Thesaurer deputis effairis? Quhat menis that ye wret that I am a comissioner (I man that can not stand my alone)[3] and knawis

[1] Barter or exchange. [2] Further.

[3] The bishop had been placed in this office to collect taxes to defray the expenses for the coronation of Charles the First.

ıot being a stranger quhat sik things meinis. How cam that
o pass or what can it meine? As to Orkney fewis, it is now
mpossibill for befoir ye tak sett thair might heve bene sum
ıoup, but now quha will tak a few 8 yeir tak standen in the
ıand of him, that extortis the legis to above all rait (*bona
ide* we luik that mony landis sall be cast bey if he mitigat not
ıis deilling). My lord Carrick scornis himself to think that
ıater worth the talking of as that mater now standis; and
know he will finde much difficulti at the Escheker, and mor
n parliament, for without ane act of parliment quha will tak
, few. Thay will not ken heir now in that turne, sens ye takis
r sett for aught yeir to cum. I desyre you to get me a potion
ır twa of prepared cassia fra the apoticar with ye pertinentis
ınd informatione how to use it, and informatione how I sall
lissolve and use terebinthina cocta, and in quhat quantiti for
ı dose. Do this with the first berer for I am, tho not seik,
ret very seikly and far chein[ged]. I think ye neid not be
:urius now for a leisence, for the cornis are devydit and that
ɔot lyttel quhilk I have sold. as thy gretest contentment in
ırth I think is, that I leive, so myne is that thou leive weill
nd with credit, I desyre to se the, bot I knaw it cannot weill
e for the businessis at the terme.

Remember David Hart and wret your mynd to him I wold
ve vrettin mony things to yow, bot frettis on the on part,
d impashmentis[1] of cumpany on the uther part, seing I stay
t mony dayis together at Kirkvall; has med me commit the
thy God and my God, quha of his mercy may gyd the
ɔgh this pilgramaig and vaill of miseri, quhilk every day
vis mor and mor miserabill. The lord be with you, so I
your ffather, GE B off ORCAD[s].

arch 2.

ıcript.]

ɔve beine ever seikly sens my returne hidder, and now
infirm throg aig;[2] and unhabill to travell or to ette
ıing almost at all. In dayly greiff for a multitud of
, as if I ver a lod of hay all pulling. I wat not

[1] rances. [2] Ague.

quhidder it be better to be a hom heir, or south: Bot south I think not to cum. I pray the, sens I can not heve occasione to sie the, that thou omit no occasione to visit me with your letters. Ye are so schort, that understanding, I understand not your letters. If ye vold vret all things ye say that buikis vold not contene them. ye heve not much ado, and it var bot to lern to vret; vret man, to reid your letters all the clerks in the towne must be convende, wret better and spell better in Gods name.

[*P.P.C.*]

Mr Jhone Dyck med by his letter a sutt to me for a place in the ministrie for a cusing of his. I heve med choise rather to put him in my comoune,[1] not to give occasione of contest. Deliver him this letter for his answer. He vretis to me that he thinkis to get from the Escquer, sum allowance for building a warehous. try if he hes oney uther intention and gaird if neid be, but I think there can be non. And let me know quhidder ye insisted for the claus in his tak concerning the Bishoprikis reservatione, or if the counsell of them selfis was the caus. Be not fremmed[2] to our shireff bot rather Kynd.

No. 12

To his loving Sone, David Grahame, these.

Sone,—I resaved a letter of yours dettit the vj of Mairch, I heve sene ane uther directed to Patrik Smyth quha hes takin upon him to leve all his businessis, and that with mony tearis of his wyff quha is gret with chyld, and to come to yow for that busines of Gorthie. It fearis me much Sone in respect I heve not monyis to defray the bisines, and ye knaw that I am now both old and vaik, and the rest of my childring are all at the flight and wold fane flie if I could furnish them fetheris. Think not that I can efford more monyis in that busines nor I did formerly design for yow. sum monyis I heve resaved heir fra a hollender, bot treuly thay could scairsly pay the ministeris the restis of the last yeir; and that xxij hundreth mark for thair butter of this year. I heve resaved a letter fra

[1] To put him under an obligation.

[2] Distant to or adverse to.

William Dick, it is lyk a bill of exchange, quhilk he hes vretten to me at your desyr; ye sall resave the letter and delyver it againe to him with this uther derect to him, schawing him that I heve no monyis; ye will tell him that if I hed hed monyis I wold gladly heve both esed him and myself, bot my ministeris hes gotten all the monyis I could heve and ar yet crying for moir. I love Sir Mungo I trust him above all men, yet I think that Bachiltowne in the lyk caise feruzer, might heve med you wyss be experience this yeir. When all is done man It is deir of that fourtie thousand lib. I knaw it; and I fear if ye meddell with it ye lerne to knaw the same. yet I comit the mater to God and my friendis, and hes willed Patrick Smyth to be with you and them, And to speak Sir Mungo and his Lady thair anent.

The Creditoris ar so many and thair conditionis such, and sum of thair annuelis uncerten becaus of thair old infeftmentis, that it can not bot breid you gret trubill; quhairfore be weill advysed both in the generall securiti and in all thes particularis befoir ye end, yea befoir ye begin; for quhen ye heve begune ye must go on tho throgh a thousand inconvenientis. Remember Gilbertis Moncrieffis wyfe how scho used us the last yeir. Thair is cum over a memorandum to answer, and by thes necesseris quhilk ar fewir nor ever thay was in my tym, ye wal speik David Murray; if Patrik his laser[1] will not serve to by thes thingis, Magnus Taillour will by them, and [send] them home. The v^{c} mark of Patrik Smythes dely[vering to] my Lord Carrik I heve spoken Patrik to do it, and . . . Gremsay hes promised to delyver it be his wyff about Midsomer. Sone becaus ye will not send me newis ye sall knaw, that the Erle of Monteith hes tua Daghteris Maryet on Frindrat and Lismor. Thornetowne is crossed and gon to court. My Lord Monteth is a gret gydder; and I am sur if ye will send me no newis gratis ye will pay your father for courtercis caus newes for newes again. So wissing the blessing of God to yow and all your effairis I rest, Your ffather,

GE. B. of ORCAD^{s}.

Skail. Ap. 16.

I pray ye quhen you vrittis writ that men may reid.

[1] Leisure.

No. 13

To his Right honorabell and reverend father, My Lord Bishop of Orkney.

RIEHT HONORABELL AND REVEREND FATHER, — I did heirtofor wryte unto you anent the conclusione of that bussines of Gorthy It is [b] concluded that there remanes nothing now bot payment. [c] ther Detoris ar so many and disperse, that it is hardly possabell to ane man to attend them all sewerally at severall pleaces at the terme. [d] Quherfor I pray ye will not feall so shone as can be efter the reseat heirof, to caus Patrik [2] heast him selfe hither. [e] Ye heawe many and worthy and loving friendis that will gleadly undergo burding for yow, bot I rather heawe Patrik heir if it ver at this present possibell, then thes quo undergoes the burding, vithout cair to discharg it. [f] I am my awin writ farder in the undertaking, ther hes never on beine vith me, nather in making. Your quhose na dealling vith ther creditors; I heawe good houp that your surty is good [g] and feares nor cares nothing if I head Patrick and muny, I lowk for Patrick

[a] Ye vret to me that friendis hes contracted bot quhat friudis with quhom or for quhat sowms or to quhom the Landis sould be coft[1] I never yet hard.

[b] that quhilk remanis is a principall ponyt schone said sone, god knaws how and quhen that may, or will be done.

[c] Ye will find it harder to gett moneys for them, nor to meet with them, as experience will teich you.

[d] It sall be done with all cair if God bless the vayage.

[e] that I thank god for, thes was befoir ye was; utherways it had not for yow as it is.

[f] That I forthink[3] and fear that zo and I baith the ane soume to, sall forthink if that be not provydnt.

[g] Indeed Patrik is a guid thing, money a gret thing and weis to get; Iff ye had both, ye heve the less in effect to care for.

[1] Bought.

[2] Patrick Smythe of Braco, married to Catherine Græme, daughter of the Bishop.

[3] Repent, regret.

[h] Deleit this houp of youris for the gret resone ther is none.

[i] I consider the veght, and findis that consideratione, is not ane cungier[1] in this cuntri.

[j] Ye ar too paremptur my sone for I aw you no compt.[2] Yet knaw that that hour I landit in Orknay I was restand to ministeris and others, to whom I am addebtit mor nor all that heir I resaved as yit; for nather ministers nor others, got ather pek or penny the last yeir, bot quhen I for piti of the puir tenentis hes taken boll for boll for the better payment; most pay my ministers the deirest feu for that quhilk formerly restis unpayd. Sone avak and rouse up your self ye are asleip.

with all expiditione, [h] and vith him so muche muny as possabelly may be head. [i] Ye may eassally consider the vecht of the bussines and the muny requisit for that effect; [j] I louk at least for all quhatsumever may be head for any your commodatyes this yeair. My Lord hes sold kinnoule, and as I am informed will give yow your heall munyes at the terms; I heaw requyred both him and Mr Robert Nairne, and Ballgarne hes promiced all he restis yow and fywe thousand markes of his owne, all that is not payed at the terme ye most paye rent for it; Mr Robert Nairne vith the restes upon his landes 1628 and yeares preciding, will be restand twantie thousand; and I look for my lord Sancher his muny, quhilk will mak furtie thousand; and Balgowne his muny vith yowr bygone deauteis of Cultmalindes nocht yit resawed, will mak five and fourtie thousand, and that the rest of the deauties of this crope will mak v^{c}; The thing I expect out of Orknay from your fiftie thousand, and Ballgowne his muny that he will len you vill be fiftie five thousand; I fear yet ye sall be restand ten thou-

[1] Conjuror.

[2] Compromit—a mutual pledge.

quhairfor till Vitsonda
cannot be constrained t
this ten thousand mark
Witsonday 1631. I ca
vryt more to you, I e
you to send Patrik hit
good tyme, I heave
out your licence for tra
of your victuall.[k] My
of Kinkerven hes got
varrand as yet for sou
of your contray; send
Koillshaw to give him in
tione, for my lord of Men
is, notwithstanding
wrytting unto yow, nc
desyrus of cuming, An
desyred me that I sou
pressly wryt unto you
forbid you. It will be
or his Majestie cum hit
at all, quherfor I houpe
doe meikell to excuse y
at least to cum for yo
bring you hither in guid

[k] I thank you sone sens it was gone.

This narratione of soumes my testament subscryved with your hand will cleir and I dout not bot ye heve deutifully done quhat was possibill bot of that in ane uther letter.

defeat be sei, and the Dunkirk hes not this long tyme beine stronger upon our cost, nor hes not done the harme nor is done this year. We heir lykwayes of ane dimissione[1] of the treasourie in my lord of Morton his favors, and of ane dimissione of the chanxorie in my Lord of Lauerdaill his favors, and that my lord traquare sall be theausor deput. Not willing farder to trowbell you, I rest remitting yow to God. Your obedient soune to his power

D. GRAHAME.

Edinbroue ye 28 of March (1630.)

In this I have assured the Sheriff treuly sufficiently but little to your contentment.

I am at continouall and inevitabell chairges in this bussiness, The Sheriff hes to doe vith munyes in Orkney and desyres me that I sould vryt to you, for advancing to him suche munyes as ye heave in Orknay and he hes gevin me assurance of as muche at the terms; quherfor I houp sinc ther is bot the comodaty to heawe it vithout danger of transport, and it may pleasor your bysope, ye vill not feall I howp to cause doe it, for I heawe resaved his father's band upon performans heirof.

[1] Resignation.

No. 14

To His loving Sone David Grahame.

Deir Sone,— the quiknes of your sent,[1] in resenting your ffatheris falset and greid, is a very quik sent for you heve fund out that, never man in erth befoir you did find (I suspected ye first moment I red your letter your desing,[2] and now findis it most clear). Think ye that that, quhairof ye do bleme your father unjustly, may not be cleirly seine in your self be the letter of William Dyckis? your wayis are liker to your unkilis wayis and nor to your fatherus. Can it not content the to devyd thy fatheris guidis in sevine pairtis, and heve sax and moir to thy self? (with thy craft and curiositi thou hes procured me ather hatred, or manifestatione of my waiknes, quhilk I vold have bene loth to heve uttered to such a man as William Dyck and now on necessiti must do.) Such devyssis may weill do you herme, thay will never help yow, God forgive you. It is strange to me that letters and intelligence both of the steat at home and abroad cumis dayly to sindry heir, and I only, to my gret disgrace, am as desceirted.[3] Quhairfoir ye sall advertice me with ye next berer, of sum man that hes intelligence, and can and will promise, to wret occurantis to me, and I will give him ten or tuoll Angels a zier. I resaved a letter of youris schawing me that sum of my friends, bot I knaw not quha, hed contracted with, I can not tell quhom, concerning Gorthie; It appears to me that ye do this to mak me your Sifer[4] and yourself the significant figour. Quhom sall I intret or to quhom sall I give thankis? Ye will have a Lairdschip that ye may be knawn for ane annuell rent payer. Ye will find when ye heve done that, ye hed gretter eas, welth and contentment quhen, ze hed xx thousand mark to bring yow in twa thowsand mark in a yier, nor ye will heve of all this landis (bot sone go on with Godis blessing if it be weall browin, ye will drink the better ye and youris. I forbid it not sens it is gon that far or, we will be all lached at and med a moking to ye world). But sone I leve forder preching the law to you for your humiliation

[1] Scent. [2] Design.
[3] Neglected. [4] Cypher.

tho I knaw hardly will ye be humblit. And I will in houp of Amendment comaned you, my dearest and most beloved sone, quhom my very saul loveth, to sett your self not only in ye general course of your lyff, but evine in the lest of your particular actions, to rich and poor befoir God the gret judg, (not trusting in your awn wit or convoyance,[1] nor in the quirkis of uther menis writtis), it is God that settis up, and he that castis downe, that blissis and crossis menis busines; if ye can think this in youth ye sall find it in aige. Give place to equalis, yea to inferioris, and be serviceabill to all, but specialy to your freindis in quhom ye find favour at this tym. I knaw young Inschebraky lovis the and wold do, bot may not, yet his counsell to you will ever be most efald[2] and unpartiall. Thou wilt find many secretly invyeris that will give ye fair wordis, and wold see the fall and perish (for Godis caus theirfore, walk humblie and speringly, for if thou mint up thy hed thou will not both thryve and so do at onis) better never coft it, nor be in debt in eild[3] quhen thou gettis childrine, and then sell it with schem. But I knaw thou will scairs reid this, thes lynis they will not gust[4] to thy palat. Tak gret cair to red thyself clirly with Abercarny, that no jar ever ryse with thes guid popill, so deir and neir ever to us. Tak hed to reversions of old infeftmentis that they be had; ye winning is in the first bying, And he that girnis[5] quhen he bindis lauchis when he lowsis.[6] If ye tak ye land with the burden I fear ye be subject to such annuell rent that will both grieve me, and trubell you. If it be posibill labour[7] no land; the plenising[8] will be both costly and troublesome with no profeit. Stand[9] on the plenising of the house for I think this trantillis[10] and triis will be bot of small avell, inclose them in the bargan, remembering Gilbertis wyfe the last yeir; and have a speciall respect to the teindis, that they be bund to do you all kindnes with assistence for delling with the Abot[11] or Sir James Drummond in that busines; that ye may at lest heve takis

[1] Art or finesse. [2] Upright, honest. [3] Old age.
[4] Be tasteful. [5] Snarls or growls. [6] To unbind.
[7] Plough. [8] Stocking, furnishing. [9] Delay.
[10] Movables of little value. [11] The Abbot of Incheffray.

for bollis[1] quhilk God provyd that we may heve their monyis for them. I heve wrettin a memorandum with Magnus Taillour for sum necesseries quhairfoir ye sall caus David Murray furnish monyis, and use the superplus to your awn effaris; my sone I am guid to ye, be gude to thyself.

I pray you try all the creditoris that can affect the landis ather be exhibitiones or infeftmentis, and se the restis of bygone anuelrentis either be thair discharges and thair avin declaratione, specialy the Lundiis deidis; for I fear thair reversiones ather be not, or of lyttle avele. The Lord bless the and all thy effairs.—Your ffather,

GE B of ORCAD.

No. 15

[*Docket on back:*]

To his sone David Graham of Gorthie.

SONE,—I resaved your letier, and dois alow quhat ye hev[illegible] done anent your teinds. I heve provydat for Blair[2] his mone[illegible] and send it with this berer to Edinburg quhair I wold wis th[illegible] he could caus resave it. I heve with it your band to Mung[illegible] I purpose, God villing, to be thair before the terme to s[illegible] quhat we may do for repaying Sir Johne; That sall be also God ples provydet for at our cuming: our cais is vonderf[illegible] hard heir our popill hes ettin the gretest part of the bestial to save ye seid, yit for all that, the half of all the count[illegible] will ly ley,[4] and of my avne labouring among the rest. I r[illegible] to meiting—With all loving dewty to Ket and her Sone, yo[illegible] ffather,

GE B off ORCAD[illegible].

11 March.

No. 16

For the Rg[t] hon[ble] his leufing nevey The Laird of Gorth[illegible] These.

RYCHT HONORABLE LIUFING NEVOY,[5]—At my coming fr[illegible] Gorthie with Balloch[6] and yor Sister, I sundrit[7] with the [illegible]

[1] Bolls of meal as rent. [2] The bishop's son-in-law. [3] Cat [illegible]
[4] In grass. [5] Loving nephew. [6] Drummond of Balloch. [7] Par[illegible]

and your sister was myndit to ryd hame to blair that same nicht. but quhen I cam hame I fownd them both heir in pitmurthlie, I perceave be them both, that they are resolvet to keip that bargane of the lands of blair to themselves; and they shaw me, that God willing, they sall do alse great dutie both to the bairenes gotten, and to be gotten; as it could have bein done uthorwayes. The particularis of all this bussines your Father and your selfe will consider of, and talk on it with Balloch, to whose consideratione in these thingis I remit all; and shall continue,—Your luifing uncle,

J Grahame of Balgoune

Pitmurthlie, 20 August 1642.

A SCOTTISH JOURNIE

BEING AN ACCOUNT IN VERSE OF A TOUR FROM EDINBURGH TO GLASGOW IN 1641.—BY P. J.

Edited by

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INTRODUCTION

THIS doggerel poem is derived from a volume of manuscript poetical pieces now in the Bodleian Library. The volume originally belonged to Archbishop Sancroft, as his signature in it attests, and a certain number of verse compositions contained in it are addressed to him. Others were collected by him or copied for him. The pieces contained in the volume range in date of composition from 1582 to 1721. As Sancroft died in 1693, a large number of pieces must have been added by a later collector, namely Dr. John Tanner, who died Bishop of St. Asaph in 1735. One of the poems thus added is an elegy on the death of Tanner's first wife, Rose Moore. It was from Tanner that the manuscript came to the Bodleian, and it is now described as Tanner MS., number 306.

The 'Scottish Journie' fills pp. 279 to 285, and is written on both sides of those pages. It describes the expedition of Lord Willoughby and some of the attendants of Charles I. from Edinburgh to Glasgow and back, with incidental visits to Linlithgow and Hamilton on their way. The idea of describing this tour in verse was probably suggested by Bishop Corbet's 'Iter Boreale,' which describes a tour from Oxford to Nottingham, and was probably written between 1618 and 1621. Both might perhaps be regarded as imitations of Horace's Brundusian journey.

The precise date when the journey described in these verses was taken is easily determined. The imprisonment of Montrose is referred to in line twenty-five. He was committed to

Edinburgh Castle on June 11, 1641. The King's accusation of Hamilton and Argyle and their flight from Edinburgh, referred to towards the end of the poem, took place on October 12, 1641. The tour it is evident took place during the first fortnight of October 1641. The travellers were five in number. The most important was Montague Bertie, Lord Willoughby, eldest son of that Earl of Lindsey who was killed at Edgehill a year later. Charles I. took with him very few English attendants when he visited Scotland in August 1641. 'There is not an English nobleman here but my Lord Willoughby,' says a letter from Edinburgh, written in October 1641 (Carte, *Original Letters*, i. 8., Sir Patrick Wemyss to the Earl of Ormond). The most notable of Willoughby's companions was Endymion Porter, the favourite courtier, whose geniality and love of literature gained so much fame in the pages of the Caroline poets. As there is an excellent life of Porter, it is unnecessary to give a sketch of his career here, but it may be pointed out that several letters written by him during this visit to Scotland are printed in the work referred to (*Life and Letters of Endymion Porter*, by Dorothea Townshend, 1897, pp. 191-196). Willoughby's other companions were Adam May and Edward Progers, two of the king's gentlemen. The party was joined for a short time by Robert, Lord Dillon, afterwards second Earl of Roscommon. In a letter to the Earl of Ormond, written from Edinburgh, and dated September 25, 1641, Sir Patrick Wemyss, speaking of King Charles, says: 'There is a never a nobleman with him of the English or Irish but Dillon, who is a great courtier, if he could make use of it.' The king, says a second letter, though loth to part with Dillon, sent him upon an important mission to Ireland early in October. What that mission was another sentence explains. 'The king has exprest himself that he will either the next spring or the summer after come into Ireland, and has commanded Dillon to speak it as from his Majesty' (Carte, *Original*

Letters, ii. 8). It was in the course of his journey to Ireland to deliver this message that Dillon fell in with our travellers.

Mr. George Neilson, who has been good enough to search the Council Records of Glasgow for me, reports that they contain no entry as to the entertainment of Lord Willoughby and his friends on their enrolment as burgesses. The Provost who entertained the party was probably William Stewart, who was elected to that office on October 5, 1641, or perhaps his predecessor James Stewart.

The intrinsical value of this poetical tour is not very great, but it contains a few details of interest, such as the account of Linlithgow Palace, and forms a supplement to the descriptions of Scotland by different English travellers which Professor Hume Brown has collected and republished.

The authorship of the tour is uncertain. The endorsement ascribes it to a certain 'P. J.,' who cannot be identified with any writer of the time. A list of the persons who attended the king to Scotland might help to solve the question, but none is available. Probably the author should be sought amongst the friends and attendants of Lord Willoughby, but so little is known of the life of that peer that the search would be fruitless. At first I was inclined to read the letters of the endorsement P. F., and to conjecture that the verses might have been the work of Payne Fisher. That poetaster knew Archbishop Sancroft, to whom in 1683 he dedicated some poems (see Tanner Manuscripts, xxxiv. 40, 41; ccxc. 207; cccxiv. 93). He also wrote and published in 1666 a Latin 'Epitaphium' on the first and second Earls of Lindsey, so that he perhaps had some personal connection with the Willoughby family. But on further examination, the second initial in the endorsement proved to be almost certainly 'I' or J rather than F, as Mr. Falconer Madan of the Bodleian Library pointed out to me. That theory therefore had to be abandoned, and the authorship of the verses remains an unsolved problem. C. H. F.

A SCOTTISH JOURNIE, 1641

To varie pleasures my Lord Willoughbee[1]
Would needes some famous Townes of Scotland see,
His servaunts waite upon him, and I thought
In makeing one I did but what I ought,
For he obliges all, and search his mind
Not soe much as a wrinckled thought you 'le find;
On such men hearty mirth must still attend
From the beginning to their journeyes end.
In Holy rood-house court we all take horse
And west-north-west from thence we steere our course,
And as we ride by Edinborough wall
One side o' th' city is so long and small
Tis like a gutt, and of necessitie,
If it be soe, Gut-Colon it must bee,
For in my life I never saw before
Of men and women's excrements such store.
But we spurrd on a pace till we were past
And slackt our reines to hold our noses fast,
But straite the open feilds give us releife,
Yet represent us with another greife,
For now the Castle opens to the eye
Within whose loftie walls inclos'd doth lye
A man of soe much eminence and worth,
A braver yet was never borne i' th' North.[2]
And tis not fortune clipps Montrosse's wings,
But plotts and brickes[3] which squint ey'd envy flings
Upon greate soules, his crime not any thing
But 'tis suspected that he loves the King.
I wisht my selfe soe high on tipptoes there
That I might gently take him by the haire

[1] Montague Bertie, who succeeded his father as second Earl of Lindse Oct. 1642, and bore from 1636 the courtesy title of Lord Willoughby.

[2] Montrose was committed to the Castle of Edinburgh on July 11, 1641.

[3] 'Brickes' is probably a Gallicism; *brigue* signifies intrigue, manœuvr cabal.

And give him freedome, natures best delight,
And then hee 'd quickly leape through all their spite,
But wishes will not doo't, some greater power
Must make us joyfull with that happy hower.
For Lighgoh [1] now cries Mr. Adrian May,[2]
My Lorde and Progers [3] they lead on the way,
And there we did arive with much adoe
I' th' afternoone, just when the clocke strooke two.
And first to view the Pallace wee begin,
The gates were open, we went boldly in,
I' th' midst o' th' Court there stood a fountaine weepeing,
And cryd, the Master of our workes is sleepeing,
Had we but here your watchfull Inigo,[4]
Hee 'd n'ere indure to see us perish soe
My pipes a[re] stopt, the Pleasants mouth is broken
For haveing once of reparations spoken,
Nay, see, these harmelesse angells are disgrac'd,
And by rude hands their visages defac'd,
For holding a premeditated thing
Betwixt their hands, which sayes God save the King,
For this sett prayer the rigid sect have found
Comes from a popish superstitious grownd.
But now appeares my good Lord Lithgoh's lad,
Who told us that the fountaine was runne mad,
He shewes us all the very chamber where
The King was lodg'd the last time he was there,
But Mr. May with that unsatisfied,
Assur'd us that the deputy keeper lyed,
For then he waited, and might boldly say,
They onely saw the house and went away.
But the undaunted groome gives it not over,
He seekes a way that might the truth discover,
And to conclude and make his reason shorter,
Bids him but aske the fat one, Damion Porter,[5]
Who answered then, he could not hold his tongue,
To doe him service he had beene soe long,

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[1] Linlithgow. 'Lithgoh' is probably the correct reading.
[2] One of the pages of Charles I.
[3] Edward Progers, page to Charles I. and afterwards groom of the bedchamber to Charles II. See *Pepys's Diary*, ed. Wheatley, iii. 317, note.
[4] Inigo Jones.
[5] Endymion Porter.

And that undoubtedly he was i' th' right,
For sure his Majesty lay there all night.
And thus agreed we went to see the hall,
Which had no tiles to cover it at all,
And stately buildings when they want repayre
Become poore sicophants to the foules o' th' ayre,
For times great harbinger as roofes consume
Billets the prateing dawes i' th' private roome,
Just as you see where Monarchies decay
The baser sorte creepe up and beare the sway.
Next the Chappell we visitt, where there stood
And Altar yet with stories carvd in wood,
And curiosity could not serve turne
To bayle it now, for 'tis condemnd to burne.
Saint George would faine have spoken for the saints,
But we no order had to heare complaints.
Our stomacks carry us to the inne to eate
Where we a piper found, good ale, and meate,
And when we had refresht our selves a while
We mount our steeds againe (as tis the stile
Of travailers), and in a litle space
We came to Fawkerke, saw the very place
Where that brave English Mars, Edward Longshankes,
Rowted the dareing Scots and broke their rankes,
Stuart of Bute, and Sir John Graham were slaine,
Whose monuments i' th' church yard yet remaine.
But Newborneford[1] flowes o're mine eyes and penne,
And bids me not relate what gallant men
Our predecessours were, but hide with shame
The English actions and the English name,
For honour's lost, and sloathfull plenty breedes
Like standing waters, nought but mud and weedes.
Soe to divert these thoughts i' th' towne we finde
A lodging, and a lasse so calme, soe kind,
As when they kist and groapt her, she stood still
Betwixt predestination and free will.
Myne host like a grave senatour in black,
His understanding lined with ale and sacke,
His motto, 'Downe with Bishops,' and his wife
Would have them stand, soe here begins a strife.

[1] The battle of Newburn, August 28, 1640.

He call her papist, sweares her father had
The marke o' th' beast, she tells us hee was madd,
And bids him drinke his sacke and not dispute,
He straite sweepes of a bowle which strooke him mute.
We supt and playd at piquet till we find
My worthy Lord was drowsy, and inclind
To take his rest, his servaunts bring a light
So hee retires, and bids us all good night.
Then sadly we began to thinke what charmes
Might make us take deaths image in our armes,
Poore harmelesse sleepe, whom lice and fleas affright,
For they are cruell bugbeares in the night,
And we to shun them would have layne in straw,
But God forgive us for it, there we saw
Three demibeds in battaile ray appeare,
As if they had crept out o' th' wall for feare,
And these had beene ship cabines in their youth,
Then to a spittle sent, and now forsooth
Kept as a strange regale [1] here to please
The wearied passenger, and give him ease.
But these sweet dreames which we in them expect
Are sowered with a nasty foule defect,
The sheetes smelt soe as wee were all affraide
That the last horrid plot was there bewrayd.
But Morpheus he arrests us, and we must
Obey him now, his nature's not to trust,
So some undresse themselves, others fall to
Like swords in scabbards, there 's no more to doe,
And when our senses in our soules lye still
The lazy louse and nimble flea take fill
Of humane blood, and they keepe such a coyle
As other vermine thinke us common spoyle.
The ratts and mice like red and fallow deere
Come forth in heards to feed, and make good cheare,
Amongst them was a Nova Scotia ratt
That thither came about I know not what,
This slave was most extravagant in 's food,
And often had in mans flesh beene imbru'd.

[1] The metre requires 'regalio,' which is a common form of the word during the early part of the seventeenth century.

He spyes a lusty hand both fat and white,
That smelt of sawce that gave an appetite,
And straite he fastens on a finger soe
The owner scarce could make him let it goe,
For helpe to th' greate Apostle Paule he cryes
That shooke the viper of, and soe doth rise
Upright in 's bed, where he begins to tell
How he was dreameing of the paines in hell,
And thought this wretched creature might have beene
O' th' close committee there to punish sinne.
But with the noyse his comerades by him wake,
And please themselves with lawghing for his sake.
And now the drowzy silent night gives way
To neare approaches of the dawneing day,
Which breakes with such a furious storme and rayne,
As sadly one cryes, I will goe home againe,
I have no sayle nor tackle to resist
The threating danger of the scottish mist.
But we attend my Lord to know his will,
And find him like a statue standing still
Ith' midst of's chamber with a serious looke,
Admireing of a gyant lowse he tooke.
He thought that skin which cunning Dido found
And cut in thongs to buy in Carthage ground,
Was not much bigger then this canniball's,
So for a curious glover straite he calls
To flea the rownsifall,[1] and stuffe his hyde,
(For Fawkerke's honour), that it may abide
Amoungst Tredeskins[2] rarities to show,
A lowse in Scotland may a monster grow.
But here the foresaide damsell meeke came in,
And tells us that a Lord wet through to th' skin
Enquires for us, we looke out and finde
It is the noble Dillon,[3] whose as kinde

[1] *i.e.* Monster. Nares in his *Glossary* explains 'rouncival' as meaning large or strong, 'from the gigantic bones of the old heroes pretended to be shown at Roncesvalles.'

[2] John Tradescant the elder, whose museum or 'cabinet of rarities' was formed about 1630, though the Catalogue was first published by his son in 1656.

[3] Robert, Lord Dillon, afterwards second Earl of Roscommon. Cf. Carte, *Ormond*, i. 236; *Letters*, i. 2, 8; Carte, *Original*.

And valiant as that man of might who tride
And found his heart for one world was too wide.
We breake our fasts, and please our selves with meat
Such as poore hungry travailers must eate,
And then for Glasco we goe all together,
Tis twenty mile and very ill way thither,
And to say truth, scarce halfe so fertill ground
As that which learned Dr. Corbet found
Twixt Nottingham and Newarke,[1] indeed that
As hee describes it is a pleasant platt,
Yet here the naked rockes and hilles appeare
As frequent as the woods and medowes there,
And the inhabitants like this as well,
For which I wish they may for ever dwell
Amongst their stones, and never come agen
To th' bank of Tease to fright poore Englishmen.
But we arive at this dayes journeyes end,
And where we lodge the Provost doth attend,
To shew us all i' th' city wee desire,
And Christian like to th' Church we first aspire,
Where we a double way to heaven found,
One was above, another under ground,
The visible for Bishops and that sect,
And what 's unseene for such as are elect.
Saint Mungo well foresaw how times would grow,
And soe provided two strings to his bow,
His body in the lower Church doth lye,
For humblest minds God doth exalt most high.
As we descend the street we take a view
Oth' Colledge, where the buildings were yet new,
And soe must be the doctrine that 's there taught,
For now the old is quite worne out and naught.
From thence to the towne house we resolve to goe,
The Provost and his freinds will have it soe.
And up we climbe five stories high I thinke,
Onely to be made burgesses and drinke,
And being in the middle region there
A banquet on the table did appeare,
Pipes and tobacco in large dishes sett

[1] See Dr. Richard Corbet's *Iter Boreale*, p. 184 of Gilchrist's edition of his ms, 1807.

Amongst the fruit and sweetmeats, which as yet
Was never seene before, but this alasse
Did plainly tell us what would come to passe,
For we sit downe, then one the grace begins,
And after that we all carouse like friends.
Bacchus lookes on, and kindly smiles to see
With what devotion each man bends his knee,
And with huge bowles of sacke salutes his mate,
Which workes such odd chymeras in the pate,
As they that tast it thinke it came from Spayne
To plot the ruine of our brethren's braine,
For such as superstition most did hate
And tore the crosse from of the Church of late,
In Christ crosse postures now themselves doe put,
And drinke as hard as soldiers in a hutt.
These corporations are all commonwealths,
They made our footemen there with us drinke health:
And swore them burgesses as well as wee,
Without respect of person or deg[r]ee.
With these disorders we want witt and wine,
Soe from our higher spheare we now decline,
Some downe the staires doe creepe, others begin
To cast out all the ladeing they tooke in.
Below they shew us hoodwinkt Justice' seate,
Under whose shadow bribeing knaves doe cheate,
As now a dayes tis thought her sword and scales
Are but the ensignes of old women's tales.
The Provost and the Bayliffes as at first
Are freely bent to have us quench our thirst,
The word is, take a drinke, which wee obey,
We found in truth there was no saying nay.
The Lords betwixt them the old Provost take,
And on the bench perswade the blade to make
A speech to 's people, which he undertooke
And with a setled gravity in his looke
Begins in French and non-sence to declare
The duty that a subject owes to 's Major,[1]
Tells them Moses and David in a sort
Were Majors of cityes, he had scripture for 't,
By th' Covenaunt your tide to love your king,

[1] *i.e.* 'Mayor.'

But to obey your Major in every thing.
In this harangue we steale to th' doore to leake,
They beckon for us backe, but could not speake,
And 'twas too late to understand by signes,
Soe wee our lodging seeke in oblique lines,
And goe to bed to give our bodyes ease,
Where I dare sweare that night we felt no fleas,
And till Aurora in her armes brought forth
A jolly glowing sunne to warme the north,
Wee slept, and thought by charter we had beene
Absolv'd from all the idle course of sinne,
For good Saint Knocks[1] saith that a burgesse may
Both sleepe and drinke hard in a faithfull way.
But Dillon's up and tells us he must goe
For Ireland, businesse will have it soe,[2]
And 'ore the bridge that girds the famous Clide
On him we waite, and at the farther side
We take our leaves, and for a while are sad,
For no man parts with freinds that can be glad.
Yet tis the universall plague of man,
That part we must, let's all doe what we canne.
The kind old Provost now we bid farewell,
And we from Glasco goe which doth excell
In herings and hot waters, soe we wish
Increase of Aquavitæ and of fish.
Throwgh fertill Clydsdale next we take our way,
The best part of that kingdome most we say,
And Hambleton we aime at tis our marke,
Wee 'd faine in Scotland see wood and a parke
And there we mett with both, the parke well stord
With all such game the clymate would afford,
And through one part of it a river slides
With such huge rockes and precipes o' th' sides
As onely windes and ecchoes doe make choice
There to inhabite still there to rejoyce.
We had a warrant from my Lord to shoote
And kill what deare we please, but could not doo 't,
The does were wild as were the woods and place,

[1] John Knox.

[2] Dillon was supposed to have carried the famous commission to Sir Phelim Neill. See Hickson, *Ireland in the Seventeenth Century*, ii. 373.

And would not stay to looke a man i' the face.
Yet though these creatures would by no meanes stand
We found wild calfes, and they were better mand,
A brace of them we kild, and then knockt downe
A milke white oxe, and carryed all to th' towne
To Sara's house, an hostesse full as deare
As Mr. Cooke is at our bridge foot faire.
The paunch, the puddings, and the white oxe feet
Are daintily prepard and made as sweete
As any rose, for each man undertooke
To shew himselfe a curious wellbred cooke.
A boyld boy and a dish of tripes we drest
So rare we wisht Nicke Stampe had bin our guest.
And then to season all our mirth and cheare
Wee sent for Paggie Whape who strait came there,
And with such action wee sang Bobbin Joe,
As some that were well natur'd let it goe.
Her voyce was sweet as nightingalls when they
In laurell trees salute the breake of day,
But as for daunceing O she did surpasse
In grace and footing! Mountague 's an asse
Compard to her, were I a poet now
In five or sixe strong lines, I 'de tell you how
This countrey lasse deckt in her native hew,
With something of I know not what was new,
Did better please the fancy and delight
Then courtly ladyes did in redd and white.
But 'twas with her as 'tis in every thing,
Amongst the blinde the one ey'd man 's a king.
Some strive with language now to make her kind,
Others in motions doe translate their mind.
Adrian with smoothest words begins to flatter,
And melting lookes, as though he wold be at her.
In truth we all beleivd that yeild she must
Wherby she 's made love's thorow fayre to lust.
Tell me not what Platonicke love is now
That 's onely fit for those that know not how
To mannage pleasure, vermine that disgrace
Natures best gift, the hypocrites of love
That geld their words and lookes the more to move
Some simple creatures, who like best to have

That by restraint, which our creation gave.
Cupid and Priapus agree in one,
'Tis not the hand or face wee 'd have alone,
'Tis nature's Jacke, and wee are biast soe
As gives what ground you will to that we goe.
My Lord was modest, yet he daunct his round,
And for a pretty wench, I dare be bound,
Hee 'le not sitt out, to shew us what it is
To be a stowt man, and whose sonne he is.
And next Endimion layes his fat sides too 't,
Mustering up desires enough to doo't.
He whispers somthing to the lasse i 'th' jigge,
But she cries Hewty Sir, the loades too bigge.
Then youthfull Progers firkes it for a while
And puts his motions to a wanton stile.
He was so hott at hand, that for a spurt
He ran away with 't, stript himselfe too 's shirt,
But O his nose bleeds now and for excuse
He wearied sitts him downe, and cryes king's truce.
Then our victorious Paggie capers high,
And straind soe hard that something she let fly,
If Captaine Rossingham [1] had heard the same
He would have spread it on the wings of fame
For hee 's a noble soule, his penne of late
Hath ruld the roast in our most subtile state,
And for his paines in writeing may he gett
The fruite of all such scapes as subjects lett.
And now the better part o'th' night is past
Yet we to bedward make but litle hast,
We saw no stately object to invite
A slumber, or our senses to delight.
Vitruvius here had not a hand at all
O'th' fabricke of a chamber or a hall,
Necessity puts architecture out,
And all those pleasures which the mortall route
Invent to flatter nature, here 's no change
You must lye downe and sleepe, or wake i'th' range
Which is so close and streight, men looke in bed
As if one's feet grew out of the others head,
Or if that head to head they lye why then

[1] famous as a writer of news-letters, many of which are to be found amongst Domestic State Papers of this period.

You'd thinke they playd at push pinne here with men.
But sleepe disguises all things here below,
In sleepe no man can vice from vertue know,
It hath a legislative power to bring
On equall tearmes the beggar and the king,
And this was it that made us nothing nice
To venture boldly on fowle sheetes and lice.
How subtile are those natures which doe breed
Theire children up to hardnesse and to need,
From which originall they copy out
Enough to make both gallant men and stout.
Whilst I contemplate thus I am left alone,
My Lord and all the rest are lodgd and gone,
And now I wisht I had a place to try
How people sleepe that in all lodgings lye.
My Hostesse promises upon her word
I shall ha 'th' best the countrey can aford,
And bids me follow her, I made account
Shee 'd shew me paradise, soe up we mount
A ladder to a loft, she turnes a key
And opens me a roome, where I dare say,
The good old wife sometimes did take delight
To noynt herselfe and fly abroad i' th' night.
I' th' top o' th' roofe there was a hole the which
Was sure a muse[1] for some brave active witch.
In this religious cell I found a bedd
Which might have bin a coffin for the dead,
So blacke the sheets were, and the chamber smelt
As if plebean divells there had dwelt,
Here for my sinnes was I condemnd to lye,
Nor durst I once demaund a reason why.
My rogueish boy laught heartily to see
With what a squeemish phisiognomie
I lookt about mee, have you seene them stripp
A Bridewell novice sentenc'd to the whip,
Why just with such an untun'd verjuice face
Did I put of my cloathes, and not apace,
Though now it was high time for rest to aske
Truce of our worldly cares, and to unmaske

[1] Muse or meuse, an opening in a fence or thicket through which a hare or other beast of sport is accustomed to pass.—Nares, *Glossary*.

Our humane shapes, and shew us unclad all
As we were in the worlds originall.
And now disrobd to this sad bed I goe,
Which was inchanted, needes it must be soe,
For sleepe that as a sharpe set hawke usd still
To stoope like lightning at my call or will,
Would not come neere me now, although I woe it
With the receipt of praying, 'twould not doe it,
Yet prayers as opium some Zelotts tell
Taken in bedd for sudden sleepe doe well.
Had Ptolomy or Copernicus bin there
They might have topsy turvy turnd each spheare,
And not found out the cause kept me awake,
There were no mathematicke rules to make
This truth appeare, some divel 'twas at least
That with a Covenanter was possest,
For not one slumber by free will or art
Would once approach the suburbs of my heart.
Soe then on poetry my thoughts I sett,
Hopeing a male or female muse to gett,
And there are of both sexes without doubt
If one could find the secret of it out,
For Poets Goddesses, as some report,
Are all Landresses in Apollo's court,
And wash his linnen in the Helicon,
Where cookes and footemen ever and anon
Debauch them for cold red deare pyes and wine,
And get both boyes and girles of the chast nine.
But this opinion of them made me thinke
They would not helpe me to a rime would chinke.
And now I heare a boysterous noise i' th' street,
A drum and bagpipe which doth all wayes greet
The neighbours of that towne when they should rise,
A most fantasticke consort, which they prise
Above our waights, indeed it did excell
In confusd lowdnesse our bigst curfew bell,
But as things went with mee I likd that thing.
The tune they playd was old Simon the King,
Which brought to mind how good King James was used
By Marquesse Hambleton, how much abused,
Twas this lord's grandfather, and yet you see
How well the King and this Lord doe agree,

His Majesty thinkes nothing rightly done
That 's not directed by his Hambleton,
A tender conscienc't man, that sekes the health
And wellfare also of the common wealth.
How happy are those Princes that rely
On such a favourite as can supply
All the defects of busie government,
Yet when he sees the giddy people bent
To ruine both prerogative and crowne
He lends his helping hand to pull all downe,
And seekes out a deceitfull way to putt
Truth in opinion only, and to shutt
Reason quite out, as if he were resolvd
To leave the world in miseries involvd.
He sets the voyces of the tumult high,
Bids them for lawes and liberties to cry,
And as poore hooded hawkes breake loose and fly,
So they seeke out a hudwinckt meanes to dye.
This craft of state may get an honest name
But in the meane time sure it is a shame
To see i' th' court and countrey what a stroke
Falshood hath gott, under religions cloake.
But Kings that in their government want skill,
And cannot well distinguish good from ill,
Surrender up their eyes and yeares to those
That flatter and betray them in the close.
But this mischance to kings is incident,
For when our Saviour was to Pilate sent
They crown'd his sacred head with thornes, and gave
Him robe and scepter as a king should have,
Yet till they stopt his eares and his blest eyes
Were shut, his kingly title silent lyes,
But that once done the people on him call,
Hayle to our king, and on their knees they fall,
And this example makes it plaine appeare
That mortall princes must not see nor heare.
But stay what is 't to me how monarchs rule,
If they mistake, must I needes bee a foole?
And meddle with a Soveraigne's knowing way
That teaches subjects how they should obey
The just prerogatives: but want of sleepe
Doth like a subtle theife i' th' candle creepe

Into our judgments, and consumes us quite
That pretious substance which maintaines the light,
Indeed I thinke I was a litle madd.
But now my Boy comes in, and I was glad
To dresse my selfe in haste without a fier,
He feeles no cold that hath a hott desire.
My Lord advances, and we must goe thorow,
Saveing your presence, backe to Edinborough,
Where we those quiet hopes we left behind
Find altered now, and of another kind.
That Hylander[1] whose conscience and whose eyes
Play handy dandy with deceit and lyes,
Hath by extempore prayers raisd one side
A trayterous tumult to support his pride,
And Hambleton and he are joynd, and gone
To hatch a dareing mischeife to unthrone
Our gracious king.[2] A poxe upon them all
That would have monarchie goe lesse or fall,
There is a sort of cropp eard slaves have brought
The world to be as they are, false and naught,
These weare the haire upon their heads as short
As that upon their eye browes, O what sporte
Will good old Lucifer with this sect make,
They 'le fitt his divellshippe, I 'le undertake,
In that designe he hath to overthrow
The Christian church: the Hollanders we know
Were the ringleaders of this cursed crew,
But we have men that now will farre outdoe
All those that did in heaven first rebell,
Had they beene there before their brethren fell
But with a close committee, tis well knowne
That would have troubled God to have kept his owne.
Frighted with them I leave this rimeing vayne,
Tis the distemper of a wit sicke braine,
Which like the earth, not knowing why, brings forth
Some flowers, but weedes farre of a larger growth,
And soe an humble suitor here I am
That my Lord Willowbee would burne this same.

[*Endorsed:*] A Scottish Journie written by P. J.

[1] Argyle.
[2] Refers to the flight of Hamilton and Argyle from Edinburgh.

NARRATIVES

ILLUSTRATING THE

DUKE OF HAMILTON'S EXPEDITION TO ENGLAND IN 1648

I

THE RELATION OF MR. THOMAS READE

II

THE RELATION OF SIR PHILIP MUSGRAVE

Edited by

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INTRODUCTION

THESE narratives form part of the great collection of papers made by Edward Hyde, Earl of Clarendon, now in the Bodleian Library. Reade's Relation is Clarendon Manuscript number 2984, Musgrave's number 2867. Clarendon undoubtedly procured these narratives from their authors with the intention of employing them as authorities in his *History of the Rebellion*. In 1649, when he seems to have obtained one if not both of these documents, he had completed the first seven books of the *History of the Rebellion*, and he looked forward to finishing the rest of his task at an early period. It was not, however, till his second exile from England, about twenty years later, that he was able to find leisure to carry out his plan. The eleventh book of the *History of the Rebellion*, which contains Clarendon's account of Hamilton's xpedition into England, and of the Second Civil War in neral, is dated at the end November 21, 1671. It consists two parts, extracts from the life of himself, which Clarendon l written in the winter of 1669-70, and passages written in 71 to supplement and complete the account of public nts given in the *Life*. The two portions were put together form the published text of Book xi. The account of tish affairs given in the passages written in 1671, which lescribed in the footnotes to Mr. Macray's edition of the *tion*, as derived from the *History*, is much more accurate the account of those affairs given in the passages said to rived from the *Life*. For in 1669 Clarendon, who had ll his collection of papers in England, had to depend y upon his memory for his facts. But in the spring

of 1671, his son Laurence Hyde, who was permitted to pay him a visit in his exile, brought his father a small number of important documents to assist him in writing his book. Amongst these documents was the 'Relation' by Sir Philip Musgrave, which is now printed. In the portion of Book xi., which was written in 1671, Clarendon follows Musgrave's account very closely, taking figures, dates, and facts from that source, and sometimes adopting Musgrave's views and opinions. Clarendon also had at his disposal, it seems, the account of the battle of Preston, drawn up by Sir Marmaduke Langdale, the original of which is still amongst the Clarendon Manuscripts. As that narrative has been already twice printed it is now omitted. Reade's Relation is of less value than those of Musgrave and Langdale, but throws a certain amount of light on the preliminaries of Hamilton's expedition. It does not seem to be referred to by Clarendon in any part of Book xi., and was probably not amongst the few papers which Laurence Hyde brought with him on his visit to his father. It is also much less valuable than Musgrave's relation, for while Musgrave was one of the chiefs of the English Royalists, Reade was a mere subordinate. A life of Musgrave is given in the *Dictionary of National Biography*, xxxix. 421; of Reade nothing is known except what he tells us himself. The two Relations both agree in showing that one of the main causes of the failure of Hamilton's invasion was the want of harmony which prevailed between the English and the Scottish leaders. Hamilton advanced into England before his army was really ready to take the field, in order to succour Langdale and Musgrave. On the other hand, after the battle of Preston, Lanerick, Monroe, and the commanders of the Scottish garrisons in Berwick and Carlisle abandoned the English Royalists to their fate. The ill-feeling generated by the dissensions and misfortunes of the campaign of 1648 was one of the causes of the failure of Charles the Second's expedition to England in 1651.

C. H. F.

I

MR. THOMAS READE'S RELATION

[Clarendon State Papers, 2984.]

Some Passages in Scotland and Observacions on the last Expedicion of the Scots Army into England, 1648.

It is not here undertaken to give a full satisfacion of the intencions of that Army raised in Scotland in the yeare 1648, and sent into England under the conduct of James Duke of Hamilton, but being a spectator of some remarkeable passages of that Army (and in imployment in that Kingdom as Secretary to the English Comissioners then resident there), I thought good to communicate the truth of what I observed in that accion. In January 1647 I tooke shipping at London for a vioage to Scotland (the reason of that vioage I desire to make knowne in the end of this relacion), and landing at Montross in the North of Scotland, I came over land to Edinbrough, and there found the arrivall of the English Commissioners, with some of them I being acquainted made a vissitt, and excuse for my being in that kingdome.[1] They suddinly after

[1] The Commissioners were six in number. Charles Howard, Earl of Nottingham, Henry Grey, Earl of Stamford, Bryan Stapylton, Robert Goodwin, William Ashhurst, and John Birch. Their instructions are printed in the *Journals of the House of Lords*, x. 7, and in the *Old Parliamentary History*, xvi. 501. The commissioners of the Commons arrived in Edinburgh about Feb. 10, 1648; those of the Lords followed on Feb. 18. Their letters to their employers are reprinted in volume xvii. of the *Old Parliamentary History*, and the official papers exchanged between them and the Scottish Committee of Estates are printed in a pamphlet published Aug. 14, 1648, entitled *Copies of all the Letters, Papers, and other Transactions between the Commissioners of the Parliament of England and the Parliament and Committee of Estates of the Kingdom of Scotland.*

sending their Secretary to London, desired me to supply that place.[1] I reffused it, obiecting the danger I conceaved themselves were in, the people generally disaffecting, as holding them to be all Independents, but Mr. Brian Stapleton importuneing me, I accepted it, being indeed glad that I had (thereby) an opportunitie to doe the Kings Majestie some service, and happning to discourse with one James Wallace of Edinbrough, about the then intended Army to be raised, as to what ends and purposes, he answering that it was really for his Majesties service, and perceaveing me to be thereto affected, he said I might give a good helpe therein, I told him I was wholy unacquainted with those that carried on the designe. Of this my inclinnacion he informes the Earle of Callender, his Lordshipp sent him back to me desireing that I would give his Lordship a privat meeting, at which his Lordship's proffessions for his Majestie were such that I promised the assistance of what came to my knoweledge for advancement thereof, and neglected no opportunitie to give them tymely notice of what might conduce thereto. I hindred the secureing of Barwick and Carlile, that Sir Marmaduke Langdale might have an oppertunity to surprise them.[2] I caused the letters to be intercepted that the Lord Wareston was to convey to Ireland, to hinder the coming over of the forces there. I discovered the betraying of Appelbye Castle. I discovered the intencions of some to reposes themselves of Barwick. I hapily discovered Capt. Potts, if good use had bin made of it. The 28th day of May it was discovered to the English Comissioners that I held corespondence with the Scotch Lords, soe that I was forst to fly for my life, haveing but an instant of tyme for

[1] The first paper sent by the English Commissioners (Feb. 15, 1648) is signed by John Squib, as their clerk, and he continued to sign up to the end of April. On May 9 Thomas Reade (the author of this narrative) signs in his place. The last signed by Reade is dated May 25. From June 1 the papers are signed by Edward Fox, the Captain Fox mentioned on p. 7.

[2] On March 14 the English Commissioners acquainted the Scottish Chancellor with the designs of the Royalists against Berwick, which was seized by Langdale on April 28. It is difficult to see what Reade could have done to hinder the place from being secured. On the share of the Scottish leaders in the design against Berwick, see Baillie's *Letters*, iii. 37, 44, and Burnet's *Lives of the Hamiltons*, p. 417, ed. 1852.

my escape which if I had not done, I had that night bin murdred. I will not say my lord Calender had a hand in my discovery, but through the aforesaid James Wallace it was made knowne to the Comissioners that I acted for his Majestie, but how it came to the Comissioners knoweledge and the manner of my escape, it makeing a longe relaccion I will not here inserte it.

The English Comissioners by their instruccions from the Parliament cannot be discovered to have any perticular designes by faccion to carry on their worke in Scotland, but by their privat combinnacion with the Lord Say, Mr. Pierepont, Sir Oliver St. Johns and others, with whome they held joynt corespondence and from them receaved continuall instrucions (which had I not bin so suddinly betrayed I had had full possession of them), they left no way unattempted whereby to devide the Scots into parties, and to this end they bribed the Clergie, which allthough I did not pay them the monie (that Capt. Fox their Steward did [1]) yet I writt the letter to London, which certified that the Ministers had had their incoragement, and I doe verily beleive that the Army that went out of Scotland into England had no combinacion in generall with the Parliament of England, nor no intercorse with their Comissioners, but I doe as verily beleive that the intencion of that Army (by all circumstances and observacions I tooke thereof) was really for the Conquest of England, and in parte knowne to the Parliament and their Comissioners. Of which Comissioners I found Charles Earle of Nottingham to be imployed only to fill up their number, and Henry Earle of Stanford, the other Comissioner for the House of Lords, for that he had bin formerly Comissioner there,[2] with Mr. Robert Goodwin and Mr. William Ashhurst as Presbitterian, and so likely to receave the greatest creditt. Mr. Brian Stapleton, one that would be sure to act against the Kinge, his principle being that it is most fitting the Kingdome of England

[1] Edward Fox, who succeeded Reade as secretary. Guthry in his *Memoirs* (p. 213) makes the same allegations of bribery against the English Commissioners.

[2] Charles Howard (1616-1681), third Earl of Nottingham, was son of the famous Lord Howard of Effingham (Collins's *Peerage*, iv. 277). For a life of the Earl of Stamford, see *Dictionary of National Biography*, xxiii. 187.

should be governed by an Army.[1] Mr. Robert Goodwin,[2] another of the Comissioners, that at this tyme had undertaken to be Inteligencer to the Army, and with them held corespondence. Mr. William Ashhurst the pennman of them all,[3] as best knowne in the lawes, with which they did, as many people doe in these dayes with texts of Scripture, (that is) bring sence to them take none from them. He is a great favoritt of Argile's, Loudoun's, Wareston's, Lothian, Carr's, and other Lords of Scotland, or at least they so delude him, for my oppinion is, that however differences and faccions in publicque may seeme to be amongest the Scotch Lords, yet in private they carry on all one and the same designe. My reasons is these: I have observed the Lord Laderdale to hold private conference with the Lord Loudoun, two men that in publicque are quite oppositt, yet I have found the Lord Laderdale in private conference with the Lord Loudoun in the Lord Loudoun's owne chamber, in the tyme of the greatest transsaccions of affaires in Scotland. The messinger that came from the Lord Laderdale out of the Downes into Scotland, I found him in private conference with the Lord Belmerino, the grand plotter of designes in Scotland as the Lord Say is in England. The last Comissioner is Collonell John Birch,[4] formerly a Presbitterian, now any thinge, yet so selfe oppinionate that he thinkes no man's reason better then his owne, and so violent that his oppinion is, the King is conquered, that they fought for his power, and now they had it and would keepe it. Indeed he hath gotten a greate estate by the warrs, and his span new Gentry aymes at some loffty seate, he being so liberall to one Capt. Potts (of whome I shall have occasion to speake more), which when they were takeing shipping from

[1] A life of Brian Stapylton is contained in *The Stapeltons of Yorkshire*, by H. E. Chetwynd-Stapylton, 1897. He was M.P. for Aldborough, Yorkshire, in the Long Parliament.

[2] Robert Goodwin was M.P. for East Grinstead.

[3] On William Ashurst and his family, see *Diary of Rev. Henry Newcome*, p. 47, note, edited by Thomas Heywood for the Chetham Society in 1849. William Ashurst was M.P. for Newton, Lancashire, in the Long Parliament. According to Wood he was the author of an answer to the *Agreement of the People*, published early in 1649.

[4] John Birch was M.P. for Leominster. For his life, see the *Military Memoir of Colonel Birch*, edited by Mr. T. W. Webb for the Camden Society in 1873.

Scotland he clapt on the shoulder, saying 'Come Potts, for all this thou shalt be one of the greatest men in England.'

These Comissioners did in some parte feare the Scots, for that they proffered to them, if they would sitt still and not raise an Armie, they should governe the Kingdome of Scotland, and be ayded and assisted thereto against all opposision whatsoever, so that they would not entermedle with England but let them govern it that had it now in posesion.

Although there should be an accord betweene the King and Parliament, which the exigences of affaires may permitt, yet his Majestie is to be so limitted, that in tyme they hope to perfect their designe.

After my escape (the Earle of Lannerick haveing for some tyme secured me privately in his house, for that three of the Earle of Nottingham's gromes had undertaken for one hundred pounds to destroy me, to avoyde which I heareing that Sir Marmaduke Langdale was in a good condition about Carlile, I went from Edinbrough to Carlile, where arriveing I found Sir Marmaduke retreated under the walles of Carlile, and Lambert advanceing. Sir Marmaduke by an engagement to Duke Hamilton, was bound to decline fighting the Enimie till the Scots Army came unto him. A mere plot upon the English to hinder them from fighting, that they might not beate the Enimie, and so destroy the intended designe of the Scots,[1] for Sir Marmaduke was two for Lambert's one. And now I fully perceaved that there was some designe in it, for that I being at the Lord Lannerick's, I was saying to his Secretary, that I heard Sir Marmaduke had routed Lambert's Army, to which he replyed 'I hope not,' it being out before he was aware. Allso at Annon, the first day of the Duke's Rendezvous, the Lord Calender's secretary and I discourseing of the various misteris of this warr, he said the greatest mistery was still to be acted, I desireing to knowe the reason, but he perceaveing me to take such notice of his speech, he declined it, and would not satisfie me. These persons had

[1] This accusation was commonly brought against Hamilton by English Royalists. See *Digitus Dei, or God's Justice upon Treachery and Treason, exemplified in the Life and Death of the late James, Duke of Hamilton, 1649*, p. 10.

some knowledge of the generall designe, but as afore I being at Carlile, and perceaveing Lambert advance did not goe into the Towne, but went that night back to Netherbye, and the next day I receaved a letter from Sir Phillip Musgrave to come to Carlile, and by the way I meett with Capt. Potts before spoken of. I knew him to be imployed by the English Comissioners; we meeteing wondred at one anothers being there. I ask't him where he had bin, he answered at the army. I demaunded what Army, at which he being somewhat angery said at Sir Marmaduke's army. And to take of my suspicion, he protested he was ingaged in that army, that he was to be a leiftenant Collonell of Horse, and that he did not act any thinge for the English Comissioners, that he was then goeing for Edinbrough, and intended suddinly to returne, but the truth is he had bin with Lambert's Army, and was then returneing to the English Comissioners, yet he had so insinuated himselfe into Sir Marmaduke's favor, that Sir Marmaduke told me, he intended to have made him a Major of Horse. So I coming to Carlile staid there but two dayes, and returned back into Scotland, and at Langham I was informed, (by one Baly Maxwell) of a Captain that had often past that way, and so often that he susspected him to be imployed upon some disservice to his Majestie. And the last tyme he past that way he writt a letter, and left it there to be sent to Edinbrough, of which a gentleman haveing knoweledge that there was such a letter desired to see it, and opening it found it to be all cyphers, without subscription, but a superscription to whome it should be delivered to in Edinbrough. The Captaine's name Baly Maxwell had forgott, but said he rid on a stately black horse. I remembering that two dayes before I meet Captaine Potts on a black horse, I named him, and Baly Maxwell said that was the man. I presently sent a Messinger with a letter to Edinbrough to the Lord Lannerick adviseing his Lordship how he should find the letter, the party it was directed to, and how he should find Potts. Potts was seaized on and put in prison, and I receaved a letter of thanckes, which informed me that it was very good service, but of what contents I could never learne, for when the English Comissioners were ready to goe away out of Scot-

land they begged Potts, and he was delivered to them by the Scotch Lords. The same Potts is come againe into Edinbrough, and gives out his comeing is only to seeke me. At the Langham aforesaid I staid three weekes, all which tyme Lambert had surrounded Carlile, and Sir Marmaduke's forces being without under the walles, not able without ingageing to goe a flite shott, and now was continuall posteing to the Duke to hasten his coming into England. Sir Marmaduke being brought to greate strayts, and likely to engage with the Enimie if the appearance of the Duke were not sudden, so that the Duke caused his first Rendezvous at Annon nere the borders, some tyme before he intended;[1] yet at Annon he staid a weeke before he marcht over into England, and then on Saterday the 8th of July, he marcht into England with about tenn thousand horse and foote, the remainder of his army coming slooly after, for it was above a month before they were all in. About a weeke after the Duke's entring into England his Army advanced towards Perith, 16 miles from Carlile, at which place the Enimie still was, and in such a careles securetye that the Scots were at the Townes end before the Enimie tooke the allarum, the Enimies officers being in a boule-ing greene at boules and the souldiers in confusion, yet it would not be allowed to give any charge, but gave the Enimie leave to drawe forth of Towne, and to march securely away, the Enimie themselves saying never had men a braver oppertunity,[2] for had there bin the least charge made they had all flunge downe their armes, but it was not the Scots intent yet to destroy them, Cromwell was not come to them, neither was the Duke compleated in his numbers. Neither was it his designe to loose any men upon them, there was others distined to that worke, and take it no other wise then thus, a plot

[1] Compare the *Memoirs of Sir James Turner*, p. 57. Hamilton's entrance into England is described and his correspondence with Lambert given in *Rushworth's Collection*, vii. 1193-1195.

[2] On this affair, see Lambert's letter of July 20, 1648; *Report on the Manuscripts of the Duke of Portland*, i. 488; *Rushworth*, vii. 1201; *Memoirs of Captain John Hodgson*, p. 30. It was at Appleby not at Penrith that the first serious fighting of the campaign took place, and it was then that Hamilton missed a favourable opportunity of attacking Lambert in force. See Musgrave's *Relation*, p. 21 *post*.

upon the kingdome of England, no way to bring it about but to give leave to the Kings party to have a begining in Scotland, then a pretencion of raiseing a Scotch army to free his Majestie from his imprisonment, to appeare to pursue one and the same end with his Majesties party, but Sir Marmaduke was to sudden in a condition likely to have spoyled all, to hinder which there must be an engagement with him not to fight the Enimie till the Scots come to him, and lastly when the Scots were come, they declined fighting themselves, thereby exposeing Sir Marmaduke to all hardship and to the brunt of all the Enimies army, thereby intending the destrucion of Sir Marmaduke and Cromwell allso. In the height of this their prid it pleased God to over throwe them when they least expected it, they being made a pray to a handfull of men, in respect of their glorious army, being not less then 25000, the prid and glory of all Scotland. An army that was expected to fill whole vollumes with its exployts but scarse affords matter enough for one single sheete of paper, except their outragious villanes be incerted. So sudden was the dissipacion of it, scarse 4000 returneing into Scotland. An Army that had not being full 6 weekes from the first Rendezvous to the destrucion thereof. As the Scots deceaved all mens expectacion in generall, so I found it in perticular by my selfe, for the more I did to advance his Majesties service, the less was I esteemed of by the Scots, and though by their promise I was assured, that if any thing fell out any otherwayes then well with me I should not want, and haveing left all I had in Scotland in the Comissioners house, yet they never releived me with one penny.

What I was formerly and how I came to doe any buysnes for the parliament and the reason of my vioage into Scotland. Briefly thus: I was formerly a Spanish marchant, but at the begining of the Rebellion in Ireland I happned to be in Dublin, and Collonel George Monck becoming Governor thereof he desired me to be his Secretary, but shortly after the Lord Lambert getting the place over his head he deserted all his imployments, and I came over into England. I was at the seige and battle at Nantwiche with my Lord Biron, after which I (getting to Chester) presented my Lord Biron with a draught

or platforme of that Battle, and a discription thereof in writteing, his Lordship being then pleased to make me overseer of the Minte in Chester, in the absence of his unckel Sir Nicholas Biron, but one Sir Thomas Cary coming from Oxford with comicion to erect mints in Herriford, Worster, Shroevesbury, and Chester, Sir Thomas, desireing me to goe to Herriford to erect a mint there, which I did at my owne charge, and there continued till the Scots army came afore the Towne, at which tyme I left it, and went to Cardife where the kinge then was, and there staid till the Scots raised their seige, then returning to Herriford, but there being nothing to doe I went to London, haveing bin for some yeares from home, and it was not there knowne that I had bin in any accion. A freind of myne, one Collonell John Buttler, that had comanded the Earle of Essex Regiment, being much trobled with the Comittee of Accompts for the kingdome, they chargeing him with 12800li that he had receaved for the Regiment, which said some he was to discharge before he could be allowed a personall accompt, but he being not able to discharge himselfe, and allso had imployed all the Auditors and Accomptants about it, but they could not discharge him, soe I promiest to discharge him, and did it, and brought him a personall debenter for 1800li, this being no sooner donn but many other Collonell[s] and officers being in the like condicion, desired me to make up their accompts, which I did even hundreds of them, the House of Commons takeing notice of me, I was imployed in the disbanding of some of their forces, paying them part and giveing them debenters for arrears, and for proportioning the Assesments upon the countyes and cittyes of the kingdome according to their subsidies. At last I had all the officers that had served them put upon me to discharge, but about Christmas last, it was discovered to one Auditor Willcox that I had bin in accion against the Parliament, even now when I should have receaved fowre hundred pounds for all I had donn for them, but could not gett one penny, being slighted I tooke a voiage for Scotland, hereing that there would be a begining for the King, and there I came into the aforesaid imployment.

[*Endorsed by Clarendon*]—Mr. Reade's relation of the Scotts engagement.

No. 3

[From here in a later hand.]

This Account is in substance the same with that which Lo. Clarendon has given in his History. The Writer was Secretary to the English Commissioners in Scotland, and in that Post did all he could for the King.

He pretends 'twas thro' his means that Berwick and Carlisle Castles were not secured by Cromwell—and says that the Lords of the opposite Parties in Scotland had privately a good understanding with each other, and Lauderdale particularly frequently conferred with Loudon in his chamber.

II

SIR PHILIP MUSGRAVE'S RELATION

[Clarendon Manuscript, 2867.]

Anno 1647.

The Scotch Comissioners Lord Lowden, Lord Lanerick, and Lord Lotherdale, about Candlemas came towards Scotland, and in their journey sent to some gentlemen of severall counties whom they confided inn (amongst others Sir Philip Musgrave), and imparted to them their purpose to raise an army in Scotland, and to march spedely into England for restoring the King; they gave it out they would goe through Newcastle, but when they came to Richmond in Yorkshire they took the way directly, through Carlile to Scotland, pretending they douted to be staid at Newcastle. About three weeks after Sir Philip Musgrave mett accidently with Sir Marmaduke Langdale in Scotland, and sent to the Lord Lanerick to acquaint him with their being in that kingdom, and whilst they staid at Mophett expecting an answer from his Lordship *a gentleman came to them, and informed them he was sent to discover the condition of Calile, which the Scotts intended the next week to surprise, and that Da:

* Mr. Arther Barcley.

Leshley was privy to the desing, whereupon Sir Marmaduke Langdale and Sir Philip Musgrave thought fitt to goe presently to Edenbrough, supposeing they should finde what they expected in good forwardness, but when they had conferred with my Lord Lanerick they found otherwise, for his Lordship acquainted them that the Lord Lowden was growne cool in the business, the clergy did oppose the raising of an army, and other obstruction retarded the begining of their levies, and they held it not fitt that their meeting with Sir Marmaduke Langdale and his frend should be knowne, or that they should bee seen in the toune, so in observance to my Lord Lanerick's desire they kept their lodgeings without appeering in the toune dureing their stay, which was about two mounths, in which time the Lords Lotherdale and Lanerick came some six or seaven times very privately in the night to visett them.[1] Notwithstanding all this caution the English Comissioners then at Edenbrough demanded in the name of the English Parlament the persons of Sir Philip Musgrave and Sir Thomas Glenham to be delivered to them (the latter of thes with many other English men being in toune).[2] The Marques of Argile was the head of the faction that did oppose the inableing Duke Hamleton and the rest of the committe of estates alredy chosen, with powre of bringing an army into England, and it was douted when it did come to a vote in Parlament he would protest against it, and that his frends and followers might make some bussell in the toune, many of Duke Hamleton's frends being then absent imploied in listing men, and an intimation was given to Sir Marmaduke Langdale by some that had relation to the Duke, that it would be well taken by the Duke if the English gentlemen that weer in toune would attend in the court before the Parlament house whilst this great business should be debated, so Sir Marmaduke

[1] Compare Clarendon's *History of the Rebellion*, xi. 16, 18. He summarises Musgrave's narrative.

[2] The English Commissioners began by demanding the surrender of Captain Wogan and his troop, who, instead of obeying their orders to disband, had marched into Scotland (March 21, 1648). Ten days later they added to this a demand for the surrender of Sir Philip Musgrave and Sir Thomas Glemham as 'incendiaries beetwixt the nations.' Guthry places the coming of Langdale, Musgrave, and the other officers in March 1648 (*Memoirs*, p. 215).

Langdale gave private notice to the English, who did as they weer directed, himselfe staing all the while in a house neer to them, but my Lord of Argile made noe other opposition but by his negative, and the votes beeing past accordeing to Duke Hamleton's desire, the English gentlemen* had noe more to doe, but at the riseing of the House that evening, to attend Duke Hamleton to his lodgeing.

The Scotts weer contented† Sir Marmaduke Langdale should take in Carlile and Barwick, upon ingagement under his hand that he should give them upp to the Scotts upon demand, pretending they had a grant of them under the King's hand,[1] and that unless the English did condescend to it, the Scotts would not be satisfied, yet would they not owne the proceedings of the English nor assist them with any Scotch troops (which was much prest by Sir Marmaduke), only they promised presently to send 500 musketts and 10 barrells of pouder to each garrison, to bring their army within xx dais into England, and if wee weer in distress to send us releef without any dispute.[2]

The same day Sir Marmaduke Langdale went towards Barwick (haveing sent some English horse before him), Sir Philip Musgrave towards Carlile without any forces with him, and orders from Sir Marmaduke that he should stay at Annan within Scotland till he came to him.

Sir Marmaduke Langdale found it necessare to march to Barwick that day,‡ and he came thither with about 100 horse just in time, for his design was discovered, and the Maior of the Cittie had closed one port, and was ready to have closed the other at which Sir Marmaduke at the same instant entered.[3]

* The English about 200. † April 27, 1648. ‡ April 28.

[1] The engagement between the King and the Scots Commissioners, signed at Carisbrooke on December 26, 1647, authorised the Scots army 'to possess themselves of Berwick, Carlisle, Newcastle-upon-Tyne, Tynemouth, and Hartlepool, for to be places of retreat and magazine, and when the peace of the kingdom is settled, the kingdom of Scotland shall remove their forces, and deliver back again the said towns and castles.'—Gardiner, *Constitutional Documents of the Puritan Revolution*, p. 263.

[2] See Clarendon, *History of the Rebellion*, xi. 50.

[3] Accounts of the surprise of Berwick are given in *Rushworth*, vii. 1099, 1102, 1105, 1114.

Came an express from Sir Marmaduke Langdale to Sir Philip Musgrave,* giveing him notice of his advance towards Barwick, and desire that Carlile should be attempted least the news of Barwick's surprise should be at Carlile before us. Their was then with Sir Philip Musgrave one Mr. Denton (his kinsman) come out of England, and som 2 or 3 other gentlemen, thes Sir Philip Musgrave imploid the same houre to goe towards Carlile (12 Scotch miles distant), and haveing gott the company of some gentlemen liveing in Carlile,† (who had been prepared formerly for that purpose) with 16 horse only they entered the toune at 8 at night the same day, with six of them seizing the 3 ports, and with the other ten rideing to the Markett place, where they redd an order from Sir Philip Musgrave (who had commission to commaund in chefe in Cumberland and Westmoorland) and seized Mr. Barwis,[1] a Parlament man and Maior of the toune, putting him and some others that had served the Parlament in custody.

Sir Philip Musgrave came to Carlile‡ (haveing been forced to §swim his horses over a river which was sweld to so great a hight for 48 houres together as it was noe way passable‖), he found divers gentlemen come into Carlile, and about 100 foot with armes, with 3 great iron gunns which they had brought five miles: the same day weer sent out of Carlile about 50 poor ill armed horse but good men, from which Major Chomley (a parlament officer[2]) with 80 horse well

* April 29, about noon.

† Collonel Denton and John Eglanby, Esq., the cheef instruments in taking Carlile.

‡ May the 1st in the afternoon.

§ ms. Swinn.

‖ An ill omen.

[1] Richard Barwis, M.P. for Carlisle.

[2] A letter from Newcastle, dated May 1, says: 'Sir Philip Musgrave, its here reported, hath marched as far as his own house, near Kirby Stephen, and to have forced Cholmley over Stainmore' (*Rushworth*, vii. 1114). Cholmley was killed or mortally wounded on Aug. 19, 1648, at Winwick during the pursuit which followed the defeat at Preston. Captain John Hodgson mentions his death: 'A great loss we had of such a youth, who was grown so expert, valiant, and faithful' (*Memoirs*, pp. 29, 34). In the Winwick Register there is the following entry: '1648, Sept. 3.—Buried Major John Chumley shouldier.'—*Discourse of the Warr in Lancashire*, edited by W. Beamont, p. 145. On Cholmley, see also Carlyle's *Cromwell*, Appendix 24.

armed retreated to Appleby Castle, at the same time one Barwis (that was Sheriff of Cumberland for the Parlament) expected a generall meeting of the country forces, haveing sent out his warrants, but a private gentleman Mr. William Musgrave, gott together about 20 of his frends, went to the place of randevow, disarmed the country men as they came inn, and when the Sheriff and Undersheriff came to the place with 30 horse with them, Mr. Musgrave charged them, but the Sheriffs faced about and was chased tenn miles, at last being well horst he recovered Wolstie Castle, and there secured himselfe.

The next day after this Collonel Wogen came out of Scotland to Carlile,[1] with whose assistance Cumberland and Westmoorland were clered from the Parlament's forces, and within 14 dais after the takeing Carlyle it was garrison'd with 500 foot armed and victualled, with corne to have sufficed for 6 mounths. About this time* Sir Marmaduke Langdale came from Barwick to Cumberland, and about 100 horse with him, and instantly marched to Kendale and on to Kirkbie Lansdale (joineing on Lancashire), with about 1500 horse and foot with him. To this place †came a gentleman from ‡Scotland to desire Sir Marmaduke Langdale not to ingage against the enemy untill the Scotts came into England; soe hee only endevored by treaty to reduce Lancashire, which proved fruitless.

Sir Marmaduke had a generall randevow§ of his forces upon Barrick heath within five miles of Carlie, where he mustered above 3000 foot armed, and 700 horse[2] (ill armed) all raised in Cumberland and Westmoorland, besides 500 good horse

* May 17. † Arther Barcley.

‡ Sir Marmaduke Langdale's instructions limited his proceedings, and his comission did not extend to Lancashire that had very few men in armes. § May the last.

[1] Colonel Edward Wogan who was killed in Scotland in 1654 during Glencairne's rising. For an account of his life, see *The Clarke Papers*, i. 421. Wogan and his whole troop had come to Scotland in March 1648 in order to serve the king's cause, and their surrender had been repeatedly demanded by the Parliamentary Commissioners.

[2] Clarendon adopts these figures.—*History of the Rebellion*, xi. 51.

come inn from severall countries. At this time came letters from Scotland, blameing Sir Marmaduke for receiving papists into his army, and not owneing the covenant in his declarations, and giveing him little hopes of assistance unles the covenant weer imbraced by his army.* Thes perticulers had been discoursed in Scotland,[1] and the reasons given by Sir Marmaduke allowed on, with ingagements both by words and letters, that they would espouse our quarrell: however it was thought fitt that Sir Philip Musgrave should be sent to Edinbrough to endevour a righter understanding of our proceedings.† In the mean time Sir Marmaduke Langdale with his whole body marched towards the enemy (a small party of whome weer come into Westmoorland), upon his advance they retreated into Yorkshire, and Sir Marmaduke with 1500 horse and foot followed them 16 miles,‡ but heering that Lambert with his whole force was advanceing towards him, he retreated the same day into Westmoorland to the rest of his body, and so on to Carlile, Lambert following him at the heles. Sir Philip Musgrave returnes from Scotland bringing noe other satisfaction from thence then a letter,§ which the comitte of estates in Scotland desired should be subcribed by some gentlemen

* Foot Regiments: Sir Phi. Musgrave's, Sir Henry Bellingham's, Sir Patricius Curwen's, Sir Edward Musgrave's, Sir Will. Hudleston's, Sir Henry Fetherston's, Collonel Chater's, Collonel Carleton's.

† Sir Phi. Musgrave's horse regiment; the rest of that country horse weer in single troops raised by the foot Collonells.

‡ This our first misfortune and greef to Sir Marmaduke Langdale.

§ The letter contained an invitation to the Scotts to come into England for the end of the covenant, only perticulariseing the freeing the king from prison, and the removeing the force upon the Parlament, and setling of religion.

[1] A long discussion about the righteousness of co-operating with the English royalists, and the question of their acceptance of the Covenant, had taken place between the representatives of the Scottish clergy and the leaders of the Hamiltonian party. See Mitchell and Christie's *Records of the Commissions of the General Assemblies of the Church of Scotland*, i. 421, 453, 477, 491, 501, 529. Clarendon gives two accounts of this attempt to force the English royalists to take the Covenant. In the first, *Rebellion*, xi. 43-45, he appears to antedate the attempt. In the second, *Rebellion*, xi. 52, 53, he follows Musgrave's account very closely. It is evident that the first account, which is taken from his life of himself, was written before he received Musgrave's narrative from England.

amongst us that had taken the covenant; Sir Marmaduke was much afflicted with it, refused to offer it to any, only Sir Philip Musgrave acquainted all the gentlemen with it, and left it to their consideration for matter of subcription, about 12 signed it, and 2 of them went to Edenbrough with it. Whilst Sir Marmaduke Langdale quartered about Carlile, (half blocked upp by Lambert, and the Lancashire forces under Ashton's command) a mutenie in Appleby Castle caused the delivery of it upp to the enemy,* and after this they took inn 2 or 3 other castles, which had but very few men in them placed their rather to secure them from the ill affected amongst uss, (whilst wee weer raising our forces) then with any intention to continue them garrisons, however the loss of them gave discouragement to our frends, who understood not the small consequence of them.[1] Whilst we remaned thus block[ed] upp, Sir Marmaduke sent 500 horse under the commaund of Sir Richard Tempest into Northumberland, who had their quarters beaten upp and most of the gentlemen of qualety carried prissoners to Newcastle:[2] dureing this time Sir Marmaduke Langdale writt severall letters into Scotland to haisten assistance to uss, and mak knowne our dainger.

† Came Collonel Lockhart with about 1000 horse to Annan, but without any orders to come into England.[3] Ten daies after came the Duke with a part of his army. Five dais after his coming Carlile was demanded, and Sir Philip Musgrave accordeing to the orders and instruction he received with his commission left it to them. The next day the Scotch and English forces did randevow nere together in the way to Penrith, where Major Generall Lambert then quartered his

* The Deputy Governor after Appleby was shott to death, for not opposeing the mutineers, 2 of which were hanged.

† About the begining of July.

[1] Besides Appleby, Lambert took four other castles, viz., Brougham, Greystoke, Rose, and Selby. See *Rushworth*, vii. 1184, and the *Memoirs of Captain John Hodgson*, p. 30.

[2] The defeat of Sir Richard Tempest by Colonel Thomas Lilburne took place on July 1, 1648. For an account of it, see *Rushworth*, vii. 1177, and the *Report of the Historical MSS. Commission on the Duke of Portland's MSS.*, i. 474, 476; *Memoirs of Captain John Hodgson*, p. 29.

[3] Compare Sir James Turner's *Memoirs*, p. 58.

men, whoe upon notice of our advance marched away in the night in much disorder; if the Scotts would have marched that day directly to Penrith, (as he quartered 2 miles short of it), we had found the enemy in much disorder, and probably dispersed that body.[1]

But Lambert hath time to martch to Appleby, and the Duke stais 2 dais at Penrith 10 miles short of the enemy, and then marches toward Appleby where the enemy kept the bridge against uss, the river not beeing fordable, but before day next morneing the enemy marched away towards Yorkshire, and took upp their quarters about Barnard castle. The Duke stais a fornight neer Appleby. In the mean time, the English beseedg Appleby Castle, and had it surrendred to them.[2] When most of the Duke's army were come into Cumberland, he martches to Kendale, their he stais a fortnight longer, the English quarter in the scirts of Yorkshire. I am able to say nothing of my owne knowledge of the fight at Preston:[3] but when the nues of it came unto Sir Thomas Tildesley (who was then with a part of the English forces before Lancaster castle) he drue off, and joyning with those English that weer gott off from Preston, and others that weer left behinde in Westmoorland, they went to Major Generall Monro (who was then upon the confines of Lancashire), and move that his forces, the Scotch that weer about Kendale, and the English might martch together to Preston,* but hee would not consent to it, but retreated to the other end of Westmoorland, whither the English followed him, and seconded their motion of a conjunction with them, but he held to his former

* Thes forces conjoined would have made a body of above 7000 horse and foot.

[1] See p. 11, *ante*, note.

[2] Appleby Castle surrendered to Lambert about the end of July. A letter from Newcastle, dated Friday, Aug. 4, says it was given up on the Saturday preceding.—*Rushworth*, vii. 1219. The place was almost immediately recaptured by Langdale.—Burnet, *Lives of the Hamiltons*, p. 452. Captain John Hodgson gives a brief account of its recapture.—*Memoirs*, p. 31, ed. 1882.

[3] Clarendon's account of the battle of Preston (Book xi. 73-76) is almost entirely based upon a narrative written for his use by Sir Marmaduke Langdale. This narrative has been twice printed. See Carte's *Original Letters*, i. 161, and the *Fairfax Correspondence*, iv. 60.

resolution.* The next day the English martched into the County of Durham, Monro through Cumberland, (which poor country his men had exacted infinitely upon in their advance, and in their retreat plundered to the purpose), in Northumberland the English (commaunded by Sir Henry Bellingham) meet agane with Monro, and (as formerly) press a conjunction with him, but he refuseth itt, and marcheth directly into Scotland. Sir Philip Musgrave sent Sir Robert Stricland to my Lord Lanerick, Sir Henry Bellingham, Collonel Chater, both offered to bring their forces into Scotland to assist his Lordship but he held it not fitt to imbrace the motion, pretending it would prove a couler for Argyle to invite Crumwell, who was then upon his martch to Barwick. This refusall forced Sir Henry Bellingham to returne with the party he commaunded through a part of Scotland into Cumberland, paying for their meat by the way.[1] Sir Philip Musgrave then treated with Sir William Leveston, Governor of Carlile, that they might unite their forces to vittell, and defend that place, by which means the few English that weer left might be kept together.† Sir William Leveston was very civell but when articles weer agreed on, and sign'd by Sir Philip Musgrave, the Governor would not ingage himselfe not to deliver upp the garrison without the consent of Sir Philip Musgrave, nor to joine the judgement of Sir Philip Musgrave with his, when it should be necessary to suffer the English to be within the walls, when not, though Sir Philip Musgrave did ingage not to bring his men within the walls but when their was no possibility to keep the feeld, and to depart the toune whensoever my Lord Lanerick should send to him to that purpose. Major Generall Ashton with 2000 horse and foot comes into Cumberland, and Sir Philip Musgrave‡ drew the

* The English about 2000 horse and foot.

† The Scotts in Carlile weer neither able to vittell or defend that garrison against an enemy without the assistance of the English.

‡ Sir Philip Musgrave's forces about 500 foot and 800 horse.

[1] Guthry in his *Memoirs*, speaking of this refusal, describes the English as commanded by Sir James Tilsley (p. 239), meaning Sir Thomas Tyldesley. See also Clarendon, *Rebellion*, xi. 92-96, where Musgrave's narrative is closely followed, and Burnet, *Lives of the Hamiltons*, p. 469.

forces he had neer Carlile, that he might not be forced to fight unless he thought fitt, till he did receive some certanty of the proceedings in Scotland, of which he was the more doubtfull after he had (by mistake of the Governor of Carlile) seen a coppie of some propositions likely to have been sent from Lanerick's party to Argile's. Soe it was approved at a counsell of warr that Sir Philip Musgrave should propound to Ashton a cessation of armes untill the end of the treaty at the Isle of Wight. Commissioners for both parts are agreed on, and at the day appointed meet, but at the very same time Crumwell's forces come out of Scotland, fall upon our horse quarters, disperseth most of them; upon which the foot forsake their coulers and shift for themselves, and Crumwell's forces martch up before Carlile. On the same day intelligence comes to Sir Philip Musgrave that Barwick was delivered upp, and Carlile to be so within 2 daies.* In this strate Sir Philip Musgrave chose rather to deliver upp Appleby Castle (a place not tenable,[1] nor vitteld for above six weeks), and make conditions for him selfe and 150 officers, (many of them gentlemen of qualety), then to hazerd his owne comeing to Appleby, and secureing himselfe a few daies, with the loss of so many who may heerafter be serviceable to their King.

[*Endorsed by Hyde:*] Sir Philip Musgrave's relation of the Scotts engagement del[ivered] to me at the Hague. 1 May 1649.

[*Endorsement in a later hand:*] These Particulars are most of them carried into *Hist. Rebell.*

It evidently appears from this Account that the Scots never intended to act heartily with the King's Friends in this Business, nor yet that they should do anything of themselves.

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* My Lord Lanerick did joine in signeing the orders for delivering thes places without makeing any conditions for the English.

† In England.

‡ The end of the last forces in the feeld for Charles the first.

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[1] Appleby surrendered Oct. 9, 1648. See a pamphlet containing an account of its capture and a list of the officers surrendering, reprinted in *Civil War Tracts of Lancashire*, edited by Mr. G. Ormerod for the Chetham Society in 1844 (pp. 273-276).

CERTAIN PAPERS OF
ROBERT BURNET, afterwards LORD CRIMOND
GILBERT BURNET, afterwards BP. of SALISBURY
and ROBERT LEIGHTON, sometime
ARCHBISHOP of GLASGOW

Edited by

H. C. FOXCROFT

INTRODUCTION

THE contributions which follow are connected by a double tie. Three of them have a common source, the collection of Bishop Burnet's papers, acquired in 1835 by the University of Oxford; and the whole forms, as it were, a series of documentary vignettes illustrating the successive phases of a remarkable movement. That significant counter-current in the ecclesiastical history of seventeenth century Scotland, which we may almost call pietistic Erastianism, culminated in Bishop Leighton. Among those who influenced his development, Robert Burnet, afterwards Lord Crimond, may probably be counted; and Burnet's son Gilbert, subsequently Bishop of Salisbury, was at once his father's pupil, and the most ardent of Leighton's adherents. There is therefore no merely casual relation between the 'Reasons' which induced Robert Burnet to refuse the Covenant; the remonstrance which Gilbert Burnet, while yet a parochial pastor of the Church of Scotland, addressed to the Scottish bishops; and the letters which Leighton, amid the struggles of his episcopate, or from the solitude of his final retirement, addressed to his devoted disciple. It is thus possible to describe the genesis of all these, in a sketch which shall have the merit of continuity.

Robert Burnet, afterwards Lord Crimond, came of an ancient and honourable house in the county of Aberdeen, the history of which has been recently investigated.[1] Its repre-

[1] *The Family of Burnett of Leys* . . . from the MSS. of the late George Burnett, LL.D., Lyon King of Arms . . . New Spalding Club, MCMI.

sentative at the close of the sixteenth century, Alexander, had six sons; of whom the eldest surviving, Thomas Burnet of Leyes, was created in 1626 a baronet of Nova Scotia; while the fourth (third surviving) was the Robert Burnet with whom we are immediately concerned.

Of Robert Burnet's youth little seems to be known. He was born in 1592;[1] and on 24th November 1611, we find him at Castres, ostensibly prosecuting legal studies, but reduced, by the extreme niggardliness of supplies from home, to teach for a living.[2] We learn from his son, that he spent seven years in France;[3] and it is stated that he was admitted to the Scottish Bar on the 20th February 1617.[4] A learned and a conscientious, rather than a brilliant lawyer, he did not, as his son Gilbert admits, 'rise up to the first form in practice'; for though 'his judgment was good,' he had neither 'a lively imagination nor a ready expression'; while his 'abilities' were still further 'depressed' by an 'excessive modesty.' His uprightness and integrity, his candour and beneficence were carried to lengths which cynicism would regard as unusual in his profession, and as not very compatible with success. 'When he found a cause morally unjust' (so his son assures us) 'he would not plead in it, but pressed his client to consider his conscience more than his interest, in which he often succeeded, for he spoke with great authority on those occasions: he was always ready to plead the causes of the poor, and instead of taking fees from them, he supplied such as he saw were unjustly oppressed very liberally. He never took any fee from a clergyman who sued for the rights of his church, and . . . he told me the full half of his practice went for charity or

[1] *Family of Burnett*, p. 130.

[2] Letter to his brother printed, *ibid.* pp. 130-1.

[3] *Supplement to Burnet's History*, Clarendon Press, 1902, p. 452 (*Gilbert Burnet's Autobiography*).

[4] *Family of Burnett*, p. 131. The counter-statement in Brunton and Haig's *Senators of the College of Justice*, p. 373, confuses him with a nephew of the same name. See *Family of Burnett*, p. 61.

for friendship.'[1] Under these circumstances, it is at once agreeable and surprising to find that he seems to have profited by the law; as in 1628 he acquired Banachtie and Mill of Bourtie from William Seton of Meldrum, and in 1634 Crimond in Aberdeenshire from John Johnston of that Ilk.[2]

He was not, however, altogether dependent on his profession; as on 24th February 1620 he married Elizabeth Mawle or Mauld,[3] youngest daughter and coheir of William Mawle of Glaster (son of Robert Mawle of Panmure),[4] merchant burgess of Edinburgh. On 5th October of that year she executed a will in her husband's favour, mentioning sum of inventory £1500, debts £666, 13s. 4d., free gear £833, 6s. 8d.;[5] on 17th December was baptized their daughter Bethia,[6] who is said to have died in childhood;[7] and on 27th December 1621 Elizabeth Burnet died. Presumably about 1624[8] her husband remarried with Rachel, daughter of James Johnston, merchant in Edinburgh.

Mr. Burnet's second marriage brought him into the closest relations with the Puritan party in Scotland. The Johnstons, for at least two generations, had been in the very forefront of the Presbyterian ranks. Archibald Johnston, the Warriston of the Civil Wars, was younger brother to Rachel Burnet; and Rachel Burnet herself, passionately devoted to her brother, shared to the full his Presbyterian fanaticism.[9]

Under these circumstances it is reasonable to suppose that the young lawyer, at the time of his marriage, sympathised

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[1] *Supplement to Burnet's History*, p. 452. See also Cockburn's tribute in *Specimen of . . . Remarks* (on Burnet's *History*), pp. 25-6.

[2] *Family of Burnett*, p. 131. [3] Register of Marriages, Edinburgh.

[4] *Family of Burnett*, p. 133.

[5] Will of Elizabeth, Edinburgh Commissariot Testaments.

[6] Edinburgh Baptisms. [7] *Family of Burnett*, p. 133.

[8] The Edinburgh Registers have been searched in vain for this marriage.

[9] Burnet's *History*, ed. Airy, vol. i. p. 424; *Supplement to Burnet*, p. 459.

at least in some measure with the fervour of his new connections, and the fact that he was entrusted with the education of his young brother-in-law, Archibald, renders this the more certain. Nor is it difficult to realise the probable point of contact. Robert Burnet, we learn, was 'in high esteem for the exemplary strictness of his life';[1] and would be thus naturally attracted by the rigour and earnestness of Puritan morality.

Nor were other motives wanting. His stay in France must have brought him into contact with Huguenot puritanism. Moreover, though favourable to a moderate episcopacy, Mr. Burnet strongly dissented from the ecclesiastical policy of the Laudian movement, which began soon after his marriage; and despite his personal friendship for Sydserfe, Bishop of Galloway,[2] his dissatisfaction with the prevailing methods avowedly hindered him from pursuing his favourite project of abandoning the practice of the law for holy orders. Indeed his sentiments on this head were so openly expressed, that at the breaking out of the troubles in 1637 he was considered one of the malcontent party.[3]

But the motives which may be regarded as urging Robert Burnet in the strictly Puritan direction were held in check by influences no less cogent, and opposite in their tendency. If, as we may presume, his vacations were spent at Crimond, such sojourns must have brought him into renewed contact with a religious society differing greatly from the Puritanism of his Edinburgh connections. Aberdeen was, we might almost say, the centre of moderate Episcopalianism; and we know from Gilbert Burnet that his father had a high admiration for the 'Apostolic' Patrick Forbes, Bishop of Aberdeen from 1617 to 1634, and for William Forbes, the famous preacher, the advocate of a compromise between

[1] *Supplement to Burnet's History*, p. 453. [2] *Infra*, p. 322.
[3] *Supplement to Burnet*, p. 453; *Lives of the Hamiltons*, ed. 1852, p. ix.

the Roman and Protestant communions (who held a cure in Aberdeen from 1626 until his elevation to the see of Edinburgh in 1634).[1]

Moreover, as a lawyer and as a man, Mr. Burnet must have been greatly impressed by certain important works which were even then issuing from the press, and by the political events of which they were the result. His personal acquaintance with the famous Grotius must be ascribed to a later date. But the condemnation of the great lawyer to perpetual imprisonment, upon the triumph of a Calvinistic party at the Synod of Dort, must have at once illustrated the dangers of ecclesiastical despotism and have intensified the interest excited by his early religious works. In these, which are not marked by the doctrinal laxity of Grotius's later life or by his eventual apparent approximation to Roman Catholicism, the earnest lawyer will have found not only professional edification, but a religious attitude more congenial to his own mind than that of contemporary Puritanism. Placed as he was in the very vortex of Puritan agitation, his judicial training and temper were no doubt rendering him increasingly sensitive to the narrowness of Calvinistic theology, the virulent fanaticism of extreme Puritan zeal, and the reviving tendency to arrogate for the Kirk a supreme despotic authority in politics, no less than in morals and religion. Under these circumstances there was much to attract him in the ardent yet mild devotion, the broad and tolerant theology, no less than in the firm political Erastianism of the great Dutch Jurist.[2]

We have nothing further to record of Robert Burnet, between the years 1626-37, save an intimate friendship with the 'excellent and accomplished' John, first Earl of Lauderdale, son-in-law of his father's old friend and kinsman Chan-

[1] Burnet, preface to the *Life of Bedell*; Mathieson, *Politics and Religion in Scotland*, vol. i. pp. 327-8, 334-8.

[2] See *Supplement to Burnet*, pp. 453, 458.

cellor Dunfermline,[1] and the successive birth of eight children.[2] Most of these died young; but he had no doubt many hostages in the hands of fortune when, on 23rd July 1637, the riot at St. Giles brought the ecclesiastical question to a crisis. Many ties, as we have seen, drew him towards the party of revolt. His zealous and energetic young brother-in-law, Archibald Johnston, leapt into immediate prominence as a leader of the extremists; his own wife, to whom he seems to have been greatly attached, shared her brother's enthusiasm; his own brothers, Sir Thomas Burnet and James Burnet of Craigmyle, men of very moderate temper, were among the first to sign, early in the following year, that National Covenant for which Johnston was mainly responsible. But strongly as Burnet had disapproved of the ecclesiastical policy which had occasioned the outbreak, the student of Grotius could not but regard the Covenanters as in law the aggressors, and as, in fact, invaders upon the legitimate prerogatives of their sovereign.[3] Moreover, eight months later an event occurred which for ever alienated from the Covenanters the active sympathies of the devout lawyer. In November 1638, the General Assembly, with Johnston of Warriston as clerk, not only proceeded to depose the existing bishops, but to excommunicate eight of them after barely the shadow of an investigation. Among these was Sydserfe of Galloway, Burnet's personal friend, who, with Archibald Johnston, had witnessed, scarcely six months earlier, the baptism of one of Burnet's sons. He was accused 'beside common faults' of Arminianism and Ritualism, of preferring Papists to Puritans, of profaning the Sabbath day; and the feelings of Burnet as lawyer and episcopalian—as

[1] Burnet's *History*, Airy's ed., vol. i. p. 38; *Family of Burnett*, pp. 37-9. He witnessed the baptism of one of Burnet's children.

[2] Rachel baptized, Sept. 27, 1625; Isobel, Oct. 27, 1626; Elizabeth, April 25, 1628; Alexander, June 19, 1629; Robert, June 18, 1630; Catherine, March 24, 1633; James, April 14, 1635; Thomas, Oct. 6, 1636.—Edinburgh Baptisms.

[3] *Supplement to Burnet*, p. 453.

friend and Christian—were equally outraged by this despotic severity.[1]

Although he remained on friendly terms with many of the leaders, his brother-in-law included,[2] his refusal to take the Covenant[3] was bound to produce a prejudicial effect on the professional career of a man so connected as was Burnet with the Puritan party. Before the end of 1640 he was obliged to abandon his practice; and there is reason to conclude that between 1637 and 1643 he twice took refuge on the Continent.[4] We may suppose he was in Edinburgh 18th September 1643, when his eleventh and youngest child—baptized three days later by the name of Gilbert (Archibald Johnston, as usual, being one of the baptismal witnesses)[5]—saw the light of day. But about a month later—22nd October 1643—the Committee of Estates passed an ordinance, enforcing (on pain of excommunication and forfeiture of goods) the signing of the Solemn League and Covenant, newly executed between England and Scotland. It was presumably on this occasion that the still recalcitrant Burnet could obtain from his stern brother-in-law Warriston—who, as his nephew frankly admits,[6] 'had the temper of an inquisitor in him'—but licence for a [third ?] self-expatriation, which seems to have lasted five years. Severe as this treatment appears, it was represented 'as a great favour' due to the 'kindness' entertained for him by the party 'for all his being so contrary to their way.'[7]

He appears to have sought refuge in Paris, where he presumably made the personal acquaintance of his master

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[1] *Infra*, p. 322; *Supplement to Burnet*, p. 453.

[2] *Lives of the Hamiltons*, p. ix.

[3] The statement that he signed it (*Lockhart Papers*, vol. i. p. 597; Airy's note to *Burnet*, vol. i. p. 58) confuses him with his brother.

[4] *Supplement to Burnet*, p. 453. His ninth child, Robert, was baptized 3 April 1638; his tenth, George, 12 November 1641.—Edinburgh Baptisms.

[5] Edinburgh Baptisms. [6] *Supplement to Burnet*, p. 459.

[7] *Lives of the Hamiltons*, p. ix.

Grotius,[1] who—himself an exile for conscience' sake—represented the Court of Sweden in Paris from 1635 to 1645. While in Paris (we imagine in May 1646, though either of the following years supplies a possible date),[2] Burnet seems to have received from Warriston a letter of remonstrance, which reproached him for consorting with the deprived and excommunicate Sydserfe, then in Paris. To this expostulation Mr. Burnet responds with manly indignation. He positively declines, after an acquaintance of twenty-nine years, to break with a man whom he knows to be learned and conscientious (though not by any means devoid of human infirmity), and whose excommunication he regards as flagrantly unjust. 'Alas! brother' (he writes), 'what would you be at, that, now when you have beggared him, and chased him by club-law out of the country, would you have him reduced to despair, and will you exact that every man, yea, against his conscience, shall approve your deeds, how unjust soever. . . .?' Had Burnet himself had 'the honour' to be 'ἀποσυνάγωγος for [the Lord's] sake' (by incurring the penalty of excommunication for refusal of the Covenant), he should have thought those that had avoided him in consequence 'Turks and Pagans.' He points out that none of the Protestants in Paris, French or British, would acknowledge the cogency of an excommunication inflicted on political grounds; and that the energy with which Sydserfe was conducting controversy with the Papists was as remarkable as the general esteem in which he was held. 'Be not too violent then,' adds Burnet, in language to which

[1] *Supplement to Burnet*, 458.

[2] Hailes's *Memorials*, pp. 72-5. Burnet's letter describes Warriston's as dated 'May 29' (no year), but is itself undated. The Lyon ascribes the correspondence to 1637 (*Family of Burnett*, p. 131), while a pencilled note in the copy of Hailes possessed by the London Library (which note, as the librarian courteously informs me, is in the hand of Thomas Carlyle) suggests 'Paris, 1640.' But the allusion to the 'last' Covenant clearly places it after 1643; and the reference to the 'bloody' cruelty of Presbyterian preachers can hardly allude to anything earlier than the massacre after Philiphaugh, September 1645.

the tragic fate of his brother-in-law was to lend a rather ghastly significance, 'and do as you would be done to, for you know not how the world will turn yet. I shall not seek greater punishment of my greatest enemies than to live as miserable a life as he says he has lived, and I know I have lived, since this business began; and when they have essayed our life as long as we have done, I am not afraid but they be . . . not so cruel hearted.' The letter, despite its energy, preserves the kindly formulas of kinship; the weekly letters of Warriston's wife are acknowledged; it is to his 'Right Honourable and loving brother' that Burnet addresses himself; as 'your loving brother' that he concludes.

If we are right in supposing that Burnet had left Scotland at the close of 1643, and in concluding that this was the occasion on which his son[1] represents him as absent from Scotland for five years, he must have returned in 1648. The Royalist reaction which centres round the 'Engagement' would suggest a motive; while the defeat of the 'Engagers' at Preston in August 1648, and the consequent triumph of the extreme Covenanting party, would account for a renewed attempt to force the Covenant on Burnet, and for a renewed refusal to sign it on the 'Reasons' now printed. Certain it is that the 'Reasons' were written between August 1647 (when the General Assembly approved the Westminster Confession), and the death of Charles I. in 1649; while it is significant that Gilbert Burnet's allusion to his father's absconding, for refusal to swear the Covenant, occurs immediately after a reference to the failure of the 'Engagement.'[2] During this concealment, we are told, Robert Burnet received frequent visits from Leighton (then minister of Newbottle, near Edinburgh), whose youthful Puritan sympathies, which had received an initial shock from the violence of the Glasgow Assembly in 1638, were rapidly

[1] *Supplement to Burnet*, p. 453.

[2] *Ibid.*, p. 12.

cooling in face of Covenanting fanaticism. Younger by nearly thirty years than Robert Burnet, Leighton may well have derived encouragement and instruction from intercourse with a confessor against fanatic virulence and ecclesiastical tyranny.

Whether this concealment preceded a further self-expatriation we do not know; but it is not probable. Robert Burnet was certainly in Scotland at the time of Charles II.'s sojourn there in 1650-1 as 'Covenanted King,' since he encouraged the king's advocate, Sir Thomas Nickolson, who had just married Burnet's widowed daughter Rachel, to resist the extremists under Warriston. On 28th June 1651 he signed, at Aberdeen, the will proved ten years later, by which he left his son under the guardianship of his wife, 'of whose religious, kind and faithfull carriadge I have had so long prooff and experience.'[1] We find him soon afterwards in retirement at Crimond; which was apparently varied by lengthy sojourns at Aberdeen for purposes of education. For many years, says his son,[2] he 'lived privately upon his estate, but was a preacher of righteousness, for he catechised not only his servants but his tenants frequently, at least every Lord's day, of which he was a very strict observer; and indeed, to all that came to him he recommended the practice of religion and virtue with great earnestness, and often with many tears. He treated those who differed from him in opinion with great gentleness,' and seems to have retained friendly relations with men of all persuasions.

Attempts were, however, made to draw Burnet from his retreat. Impressed by the reports he received of his 'piety and integrity,' Cromwell (after the 'Crowning Mercy' of Worcester, in September 1651, had made him responsible for the Government of Scotland) offered this avowed Royalist a seat on the bench without any conditions; trusting to his

[1] *Edinburgh Commissariot Testaments*, vol. lxx.

[2] *Supplement to Burnet*, p. 453.

honour that he should not act against the Government. Burnet, a witty conversationalist, famed for his good stories, rose to the occasion; and comparing himself to a popish pilgrim, addressing an unknown saint, he asked nothing of the great man, save to be left in peace. Cromwell acceded; and even the friendship shown by Burnet for Major-General Overton (quartered at Aberdeen), upon the latter's arrest in December 1654, did not embroil Burnet with the Government.[1]

Two main interests absorbed his attention. In 1655 there was printed, at Leith,[2] the famous *Jus Feudale*, left in manuscript by Sir Thomas Craig, his wife's grandfather, with an excellent Latin preface from the pen of Robert Burnet. He seems to have thought it undesirable to visit Edinburgh, even in the interest of this important work; since he complains pathetically of the difficulties of correcting proofs, when divided from the press by an interval of seventy miles and two 'freta maris.' He was also, says his son, 'much importuned by men of all sides to write the history of those distempered times,' his moderation and candour being generally admitted. Warriston, 'in whose hands were all the original papers of the Covenanters' side,' joined in the desire, and offered these invaluable materials 'for his assistance, if he would undertake it; but he was overgrown with age and infirmities, and so could not set about so difficult a task.'[3]

His one absorbing occupation, in fact, was the education of his youngest son, and he taught him Latin with such relentless energy, that at the age of ten the luckless child was 'master of that tongue and of the Classic authors.' At this tender age Gilbert removed to the 'College of New Aberdeen,' where, however, his father still superintended his

[1] *History*, Airy's ed., vol. i. pp. 143-4.
[2] Information kindly communicated by Dr. Law.
[3] *Lives of the Hamiltons*, p. ix.

studies, making the lad 'rise constantly about four.' The good sense of Gilbert Burnet revolted in the long run from an intellectual discipline so prematurely severe, and from the rigid domestic discipline by which it was accompanied. His own sons, he admits, he subsequently treated with too much indulgence; but he had never been able to forget how the stern corrections which followed on youthful escapades had sometimes brought him to the verge of 'desperate measures,' and had gone near to inspire him with hatred for his stoical parent.[1]

But this boyish resentment never really impaired the young Gilbert's sense of the anxious affection which underlay these Spartan methods, or interfered with the intense admiration which he through life entertained for the character and principles of his father. His mother he regarded as a 'good religious woman'; but despite the respect and attachment felt for her by her husband, her son seems to have been from the first repelled by the violence of her Presbyterian sympathies, which were not recommended by a temper excitable to the verge of hysteria, and a somewhat shrewish tongue.[2]

It was the great wish of Robert Burnet, whose elder sons had adopted respectively the profession of medicine and the law, that his youngest son should enter the ministry.[3] Such a wish under the circumstances seems strange. When Gilbert Burnet, at the age of thirteen, took his Master of Arts degree (1657), the Westminster Confession, the Presbyterian economy, and, we presume, the Covenant, were the three distinctive features of the Scottish Church. It is true that, faithful to his Erastian principles, the elder Burnet 'though he preferred Episcopacy to all other forms of government, and thought it was begun in the Apostles' times, . . . did not think it so necessary but that he could live under another

[1] *Supplement to Burnet*, p. 454.
[2] *Ibid.*, p. 459 and note.
[3] *Ibid.*, p. 454.

form'; but it is less easy to understand how a man who was no Calvinist could urge his son to subscribe an uncompromising Calvinistic creed; or how one who had suffered for his refusal to take the Covenant, could view with complacency the prospect of its acceptance by his son. The pietistic Erastians of the seventeenth centuries were certainly rather extravagant in the sacrifices they were prepared to offer for the interests of peace, ecclesiastic or civil; and at this very time Leighton, whose sympathies and opinions were daily seceding more completely from the Covenanting ideal, was actually, though no doubt reluctantly, pressing the Covenant in his capacity of 'Master of the College of Edinburgh' upon university candidates for a degree.

Be this as it may, Gilbert Burnet, who had at first been tempted by the superior prospects of the bar, decided after a year of legal studies to take the step his father desired. The elder man was overjoyed, and 'ran out with many tears into a heavenly discourse of the nobleness of a function that was dedicated to God, and to the saving of souls.' He warned his son against intellectual vanity, against the ambition, covetousness, and violent animosities, which, exemplified as they had been by some among the Caroline bishops, had ruined the Church; and charged him 'to treat all who differed from with gentleness and moderation, and to apply [him]self chiefly to prayer, the reading the Scriptures, and to the practical part.' Before, however, the young postulant passed his trials, which he did at the close of 1660, the recall of Charles II. (in the May preceding) had transformed the situation political and ecclesiastical. On the 19th of January following the elder Burnet was summoned from his retirement and made a Senator of the College of Justice,[1] and on 30th February (*sic*) 1661 he was created a

[1] Brunton and Haig, p. 373; from *Act. Parl.* viii. 124.

Lord of Exchequer.[1] On 1st June, together with his newly appointed colleagues, he took his seat under the title of Lord Crimond; and as his son tells us, 'made a speech or rather sermon to his brethren' on Exodus viii. 21, 22, Second Chronicles, xix. 6-7, by which the hearers were greatly affected and impressed.[2] He subsequently[3] refused knighthood. Thoughout the brief interval by which he survived the Restoration (he died on 24th August following his appointment) Lord Crimond was 'much troubled to see so much vice break out . . . and that men's resentments were so high for what was past. He saw the design laid to set up Episcopacy again in Scotland, but from the channel in which things did then run he did very much apprehend that great disorders would follow upon it.' It is thus not surprising that during the one week's illness which preceded his death the devout and peace-loving spirit of the aged lawyer should have evinced not only resignation but joy at the prospect of dissolution; or that the fear of God and the practice of religion and virtue should have formed the theme of his constant exhortation.

Gilbert Burnet, in his autobiography, apologises for the space he there devotes to the memory of 'one of the best fathers that ever man was blessed with.' We have no intention of apologising for the proportion of our pages which we have allotted to his career, since the remainder of our subject trenches on the more frequented sphere of general history.

The high character which Gilbert gives of his father is confirmed by Brodie of Brodie,[4] Nicoll,[5] and Dr. Cockburn;[6] the latter of whom considers it a special misfortune for the volatile and excitable Gilbert that he was thus early

[1] Nicoll's *Diary*, p. 336.
[2] *Supplement to Burnet*, p. 457.
[3] Nicoll's *Diary*, p. 355.
[4] Quoted in *Family of Burnett*, pp. 132-3.
[5] *Diary*, p. 340.
[6] *Specimen of Remarks*, pp. 25-7.

deprived of so wise a parent's advice. His father's will had left him under the guardianship of his mother, with whom he remained in Edinburgh. Warriston had fled to the continent, but nevertheless Gilbert, like his father before him, found himself through Mrs. Burnet's kin in the very centre of Presbyterian discontent. He saw, however, little to attract him in the persons or methods of the men she most admired. Mr. Nairne and Mr. Charteris, who belonged more to his father's school, were the only ministers to whom he could accord unstinted admiration; and while Hooker's *Ecclesiastical Polity* estranged him yet further from the Presbyterian ideal, Leighton's arrival from England as one of the newly consecrated bishops, gave Burnet an opportunity to attend the ministrations of his father's friend, for whom he instantly conceived that passionate devotion which concontinued through life unabated. Meanwhile, his avowed intention of seeking, at a somewhat riper age, episcopal ordination had greatly irritated his mother, who did not spare her reproaches. Domestic dissension, his own bitter sense of the prevailing ecclesiastical distractions, and the natural ardour of his temperament tempted him at times to throw in his lot with the Church of Rome, and join a religious order. Intellectual principle, however, restrained him, and he solaced himself by forwarding to Archbishop Sharp, with his usual precocious self-confidence, and under the veil of a transparent anonymity, a remonstrance against the existing tenor of Episcopal methods. An interview ensued, during which Burnet urged a policy of toleration, while Sharp seems to have behaved with rather surprising patience. Soon after, Burnet had occasion to study the ecclesiastical situation in England; whither he proceeded on an unavailing attempt to secure the royal clemency for Warriston, who had been arrested abroad, and whom he subsequently supported on the scaffold. Eventually, an old friend of his father's, Sir Robert Fletcher of Saltoun, charmed

by his brilliance and acquirements, offered him the cure of Saltoun, with a previous leave of absence. A few months' stay in Holland and France, of which he has left interesting accounts, widened yet further Burnet's sympathies, and lessened the value he inclined to place on a merely external orthodoxy, whether of belief or ritual. On his return he took orders, and settled down to the life of a zealous and exemplary pastor. Meanwhile he studied the Scriptures assiduously and in a very independent spirit. 'I also,' he says, 'read all the books I could find to help me to see what the primitive constitution of the Church was, and what were the rules by which the Bishops and Priests of those times governed themselves. St. Cyprian was my chief author. . . . By this I saw that our Bishops observed none of the primitive rules, while yet they fetched the chief arguments for their order from those times. . . . This heated me to a great degree, so' (early in 1666) 'I drew up a long and warm Memorial of all their abuses and sent copies of that to all the Bishops of my acquaintance'[1] (Leighton probably excluded, since at the time he was apparently in England).[2]

This then is our Memorial, a copy of which lay unidentified among the Burnet papers in the Bodleian till recognised —almost it would appear simultaneously—by Mr. H. W. Davis[3] and the present writer.

It is striking to compare this appeal—made in the twenty-third year of its fervent author's career—with the admirable little pamphlet on the 'Pastoral Care,' addressed by the same writer, some thirty years later, when Bishop of Salisbury, to

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[1] All this from the *Supplement*, q.v.; see also *History*, Airy's ed., vol. i. pp. 386-9.

[2] His letter to the Bishop of Edinburgh, mentioned below, is dated in March 1666; and Leighton went to England in 1666—[? date]. Burnet, *History*, Airy's ed., vol. ii. p. 382; see also *Lauderdale Papers*, ii., Appendix XXXI.

[3] *Typical English Churchmen*, p. 160, note; *Supplement to Burnet*, p. 40, note.

the clergy of the English Church; and with the policy which, as bishop, he then pursued. During the interval much had changed, his own political views included, but ecclesiastically speaking, the continuity is complete. In the religious sphere, Burnet at four-and-twenty had already taken his ply. An independent, but not an original thinker, he had absorbed from others the views which were to govern him through life. His father, Nairne, Charteris, and Leighton had formed his principles; only the sincerity with which he adopted them, the zealous energy with which he championed them, the eloquence with which he expounded them, were his own. From these teachers he had learned to insist on the essentials as opposed to the minutiae of religion—to emphasise the ministerial not the priestly or political aspects of the Christian pastorate. From Leighton in especial did he derive his episcopal ideals and his passionate desire for clerical reform and lay discipline; and with the pathos of a Leighton does he deprecate the persecution of dissenters, and bewail the scandalous sloth which had overspread the episcopal system. We may smile occasionally at the very youthful display of recently acquired erudition; and at the ostentatious alacrity with which the young priest hurls the Canons of the primitive Church at the heads of his superiors. Here and there, however, we find passages of a higher strain, wherein the manner no less than the matter rises to the height of an almost prophetic passion. But prophetic passion was at a discount in the Scotland of 1666; and as regards the reception of the Memorial we have a most garrulous and amusing account, transmitted sixty years later, by Dr. Cockburn,[1] the nonjuring pamphleteer, on the authority of his uncle, the saintly Bishop Scougall of Aber-

[1] In his *Specimen of . . . Remarks* (on the first volume of Burnet's *History*), pp. 33-43. This quaint pamphlet, by far the shrewdest and least virulent of all contemporary animadversions on Burnet, is well known to all students of the historian.

deen, who had died in 1682. It is unfortunately too long to quote, but its substance may be given. On the receipt of the letter Sharp, who knew very well that he was the real object of the attack, convened the bishops then at Edinburgh. They were all 'highly offended' at the 'insolence' of the 'stripling,' and considered the act as 'an indication of a dangerous . . . turbulent spirit,' deceived by 'false fanatical notions, that whatever the old prophets did by inspiration was a warrant to every private minister who had authority only to instruct and rebuke those of his own parish.' Burnet's self-exculpatory letter to his diocesan, Dr. Wishart, dated 5th March 1666, has been printed in the *Transactions of the Society of Antiquaries of Scotland*.[1] It is singularly dignified; and while apologising for any errors in the form or expressions of the Memorial, retracts nothing of its substance. The matter would, however, have dropped, had it not transpired that copies were current, and even offered for sale before the bishops had received theirs. They naturally charged this upon Burnet, who, if Cockburn's version be accepted, tacitly admitted his indiscretion.[2] His sentence was deferred; but all expected that it would end in his deprivation; and Cockburn asserts that Burnet during the interval earnestly deprecated by personal urgency and the intercession of friends the anger he had aroused. Sharp is said to have pressed his deposition; but Scougall, by insisting on the youth of the offender, and the danger of throwing him into the arms of the Presbyterians, secured a majority of votes. Sharp leaving the room in anger, Scougall was deputed by his brethren to administer a severe rebuke, which, as some averred, the young minister was compelled to receive on his knees.[3] The result, as is admitted on all hands, was

[1] Edinburgh, 1812, pp. 553-5. For this information, and a copy of the letter, the editor is obliged to the courtesy of the Rev. T. Clarke, Minister of Saltoun.

[2] This is denied in an answer to Cockburn by an anonymous friend of Burnet.

[3] For Burnet's own account, see *History*, Airy's ed., vol. i. pp. 387-9; *Supplement to Burnet*, p. 472.

Burnet's retirement to his parish, where the rigours of an excessive asceticism soon brought him to death's door. Three years later, through his kinsmen the Hamiltons, he met the Rector of Glasgow, who, attracted by his learning and eloquence, procured for him a divinity professorship in the university. This brought him within the bounds of the diocese which Leighton, since the deprivation of Archbishop Burnet,[1] had administered together with his own; and in the intervals of arduous university labours the young professor, as we all know, threw himself with fervour into Leighton's project of ecclesiastical pacification. The letter from Leighton to Burnet, which we print from the Lauderdale manuscripts, obviously belongs to the year 1671; when Burnet, in the interests of his *Lives of the Hamiltons*, spent several months in London. Burnet's consequent introduction to the sphere of general politics, his breach with Lauderdale, and eventual resolve to settle in England (December 1674), his appointment in 1675 by Sir Harbottle Grimston to the preachership of the Rolls, together with Leighton's despairing abandonment of his office, and retirement to the seclusion of an English country village (December 1674) are matters of general knowledge which need not detain us. The letters to Burnet with which our contributions conclude were written by Leighton from his final retreat. They appeared as anonymous in the Bodleian Catalogue; but the style and writing are equally unmistakable. While they bear full evidence to the kindly affection with which Leighton repaid the enthusiastic admirer who has done more than any other man to embalm his memory, yet historically speaking their extreme reticence

[1] Alexander Burnet, of the family of Burnetland and Barns, Peeblesshire, appointed Archbishop of Glasgow 1664, deprived of his see by Lauderdale in 1669, when Leighton was appointed commendator of the archbishopric. He was restored on Leighton's resignation in 1674, and became Archbishop of St. Andrews on the murder of Sharp in 1679.

and the absence of specific dates renders it difficult to discover their actual sequence, and deprives them of much interest. We can, however, hardly err in assuming that the last in our order preceded by but a few months that final visit to London undertaken, at the request of Burnet, and in the interests of Lord Perth, during the summer of 1684; which terminated (28th June 1684) so awfully, and yet in the way Leighton would most have desired, with his sudden death (after a twelve hours' illness), at the Bell Inn, Warwick Lane. It is pleasant to think that his devoted friends, Burnet and Fall, were present to close the eyes of their beloved master. H. C. F.

I

Mr ROBERT BURNET his scrupules why he can not Salua Conscientia subscryue the League and Couenant. And he humblie craues ne sit ei fraudi That he hes set them downe frielie and plainlie being so commanded. And that no man take exceptione at anie thinge that is wreitten, Seing he may take God to witnes That he hes wreitten no thing w't intentione to offend anie, bot to Justifie himself. And if anie *iustlie* takes exceptione at anie thinge, he professes nolle scriptu. *Giuen in to y^e^ Presbyterie of Edg^r^ at y^r^ command, but suppressed be M^r^ R^b^ Duglas.*[1] [*fol.* 124.]

Or the pre byteire sat neuer rece ane answe of them.

1. All Couenants maid w^t^ God in Scripture are eather of Dewties unquestionablie necessare and the waie [? verie] fundament and substance of religione. As to serue God in Sinceritie and treuth, To put away Idolls and strange Gods as y^t^ of Josuah: To Seeke the God of ther fathers w^t^ all ther hairt and all ther soull, as that of Asa: That they should be the Lords people, as that of Jehoiada: That they should walke after the Lord and keep his Commandements and Statuts w^t^ all ther hairt and all y^r^ soull, as that of Josias, who made all the people to stand too itt as is interpreted afterhand To serue the Lord ther God: to enter vnto ane Curse and vnto ane Oath to walk in Gods law which was given be Moses the

[1] Italic type in the text or margin represents later additions in the manuscripts. The paper has been folded, and is much worn; and certain passages, which to the present writer seem quite illegible, are given on the faith of a very careful transcript made by the late Mr. W. H. Allnutt.

seruant of God, And to observe and doe all the Commandements of y^e^ Lord our Lord and his Judgments and his Statuts, as that of Nehemiah: Or at Least of dewties, although not so necessarie of ther awin nature, yet necessarie necessitate precepti, becaus cōmanded be the Lord as that of Ezra and Nehemiah to put away strange wyffes etc. And that of Jeremiah c. 34 not to haue Hebreu seruants. And cursed may they be, that does not make this Couenant w^t^ the Lord yea euerie good Christian that trewlie feares God will renew it euery day in his hairt. Bot to impose wpon mens Consciences Couenants, Containing dewties not only not commanded per expressum in the word of God, bot in y[illegible] Judgment præter if not cōtrarie y^r^too, and that wnder the paine of Excommunicatione, seimes hard to weake and tende[illegible]r Consciences and smells not a litle of the Antichristian tyranni[illegible]e of Rome. Speciallie since I know itt hes bein maintaine[illegible]d against the Papists these 100. yeares bygone That nullæ leg[illegible]s humanæ nec Ecclesiasticæ nec Civiles Ligant Conscientiam, an[illegible]d itt is to make the traditions of men of more effect then th[illegible]e Commandements of God.

Many of the Ministers haue laitlie preached learnedlie ar[illegible]d pithelie that mens consciences aucht not to be forced n[illegible]or pressed by humain Lawes, and I humblie craue Quod si[illegible] *bi* fieri non volunt alteri ne faciant.

This is the Judgment of y^e^ most Learned and Emine[illegible]nt Protestants of this eage euen giuing ther Judgments of t[illegible]*is* same busines As Rivetus, Salmasius, Vossius, Blondel a[illegible]*nd* many wthers I haue spoken w^t^ myselff, yea The Church *of* Paris whill I was ther, maid ane Act that no Scottsm*an* should be debarred from the Communion for the Scotts Excommunication except itt wer for^e^ ane Crime. And the m*ost* part of all the Learned men that euer I spake w^t^ wer a*gainst* the forcing of men to the Couenant be Excommunication.

2. Ane Couenant should be frie and is ane voluntarie agriement or Paction betwixt two or more Parties for performing mutuall dewties, quia fœdus 2^um^ quosdam, est a fide, Et nullus Contractus plus requirit bonam fidem quam fœdus, from whens came the Imprecations upon the breakers therof, as that of the heathen Si fallo tum me Diespiter sic facito vt ego hunc

ɔrcum feriam, And the ceremonie of Cutting the calf in ʋaine mentioned in Jeremie c. 34 as wisching the breaker icht be so cutt in twaine. And if itt be not voluntarie itt ɯ not be counted ane Couenant, Quia voluntas coacta non t voluntas, Bot ane seruill band laid wpon ane mans conience, Neather can ane man, that is forced to subscryue ane ɔuenant, euer thinke himselff, or be esteimed by wther to ɯe entred in ane Couenant from whence comes so many ɔmplaints of fals Couenanters, who did not enter into itt ɩluntarilie bot against ther will, or did not take itt in one ɩd the same sense perchance with those who wrged them too ;, or took itt for by ends and hyprocriticallie.

8. In all the Scripture I neuer find that ane Couenant was aid among the people of God, without consent of the Lawfull ɩpreame Magistrat, although ther wer times among them ɪerin the substance of religion was in grytter [? greater] zard, then enie I have knawen itt heir this 32. yeares bygone, a not onlie in hazard bot totallie defaced and ruined. And in is Kingdome All Leagues and bands maid among the subiects anie degrie wnder q^{t}sumeuer colour or pretence, maid w^{t}out ɜ Kings priuitie and consent had and obtained y^{r}too, are bidden be Act of Parliament 1585. wnder paine to be den and execute as mouuers of Sedition and wnquyetnesse, d the Historie of wther nations, and our awn doolefull erience schaw ws, q^{t} trouble and Confusion such Couenants g. And I neuer red in Historie of anie Couenant maid ɩt consent of the Lawfull Supreme Magistrat, bot resolued ppen rebellion and taking of armes in end against y^{e} ɔe. I forbeare to sett downe many thinges heir, which I t say w^{t} good ground for feare to giue offence both to ;h and Estait, and which the Lord knawes stumbles my ence extreamlie.

Howsoeuer, I thanke God, I can submit myself to anie ɪ gouernment be it neuer so strict, if they doe not force ɩscience, And howsoeuer I thinke w^{t} many learned men her are some substantialls of gouernement, that are iuini As, that Sinne be repressed, That all thinges be ordour and to edificatione, That ther be doctours, ·s and deacons in the Church etc. yet I thinke no

particular gouernement in all the pairts of itt, is Juris Diuini, And yᵗfore I thinke in cōscience I can endeauour the preseruatione of no gouernement or discipline anie longer, then the Lawfull Lawes of the land and the church yᵗoff preserue itt. Nor the exstirpatione of anie wther gouernement or discipline longer, then itt is exstirpat be the Lawfull Lawes of the Land and Church, yea if that which in my Judgment is better then the wther be put out, and anie worse broucht in, I will patientlie suffer the chainge, bot I will not be ane to Justifie itt.

Itt is hard to anie man in faith and with ane honest hairt to sweare to preserue the priuileges of Parliament of both Kingdomes and liberties yᵗof, and so inuolue himself in ane blind obedience, Except first he knaw them particularlie, what they are, And that they be condiscended on in ane Lawfull Parliament consisting of head and members, and so be clearlie knawen to be the priuileges of Parliament and liberties of the Kingdome, Wtherwayes what some will call priuileges, wther will call vsurpations, And what some will call Liberties wther will call Sclauerie and bondage: And if it be difficill to ane Scottsman to knaw the priuileges of ane Scotts Parliament and Liberties of this Kingdome. itt wilbe farre difficiller to ane Scottsman to knaw the priuileges and liberties of the Parliament and Kingdome of England. which are so cōtrauened [? controverted] among themselffs.

6. The restrictione put to the defense of the K. Ma person and authoritie viz. to defend him in the preseruatione of the trew religion and Liberties of the Kingdomes. wants ane precedent to my knawledge And is suspitious, as if we wer not bound to defend the K. Maj persone and authoritie extra illum casum. Ells all Protestants wnder Kings of ane different religion might pretend that they wer only bound to defend ther Princes persones and authoritie. farre contrarie to the Primitiue Christians yᵉ profession of obedience to the heathen Emperours in all Ciuill and temporall business μέχρι τοῦ θεοῦ νσque ad aras. Yea the Generall assemblie of this Kingdome in Anno 1639. be ane Supplicatione presented to the Kings Commissioner and Lords of Counsall Doe not only sweare to Defend the King his person and Authoritie in the

eseruation of the trew religion, Liberties and Lawes of the irk and Kingdome, bot also in euery cause which may conrne his Ma| honour, shall according to the Lawes of this ingdome and the dewties of good subiects, concurre w^t^ ther einds and followers, in quyet manner or in armes as they albe requyred be his Ma| his Counsall or anie hauing his thoritie. Yea the lait Confession of faith$_A$ approuen be the ^ *set downe be the Assemblie of Divines in London and* enerall Assemblie c. 23. art. 4. beares per expressum That fidelitie or Difference of Religion Doeth not make void the agistrats iust and legall authoritie, nor free the people frō dew obedience to them.

7. That clause that the Subscryuers haue no thoughts or ıtentions to diminisch His Ma| iust powar and grytnes, eimes eather to haue some wther Secrit sense then the ords carie, or ells I sie not how, the not keiping therof ın be excused And how the profession is not belied be y^e^ ractise.

8. The fourt Article seimes to be mutch against that eiknes and brotherlie love so mutch recommended in Scripıre, And ane good Christian will thinke it ane hard matter turne ane Calumniatour of the brethren. And to accuse ne man, who is perchance ane better Christian and more :ceptable to God then himself, onlie becaus he is of ane con-arie Judgment to him, Not in the Substance of religion, hich I confesse is to be preferred to all earthly respects and ıterests q^t^sumeuer, Bot in Circumstantiall points of Church ouernement. And itt is ane hard matter, that wnder ane ıdefinit notione and schadow of malignancie many honest ıen that trewlie feare God and make conscience of ther wayes ıalbe troubled only becaus they are of ane Different opinione f the courses of the times, although they liue quyetly, without medling with any publick busines.

9. For the 6 Article. Itt is of dangerous consequence in ne Kingdome That subiects without consent of the Prince nall bind themselffs to Defend one another And so take the word att ther awin hand, which I thinke neay^r^ warrantable e the Law of God nor man.

10. For the Conclusion of itt, I thinke itt lykewayes ane langerous thinge To make such protestations to God of

amendement of Lyffe and performe so Litle as the most pairt haue done, and as euerie one finds by priuat experience, And I had reather w^t^out entering in ane Couenant stryue to liue well and giue good example to wthers, Then seimming to be holier then wther scandalise our holy profession be fruitles Protestations and so eike periurie to ~~my~~ *our* former sins and drunknes to thrist.

II

A MEMORIAL of diverse grievances and abuses in this Church.

[By GILBERT BURNET, Minister of Saltoun.]

There is a time to speak and then to be silent is no less crime then to talk unseasonably, and tho obedience and *sub*-jection be the duty of Inferiours, yet to give modest and humble representation of abuses when they are notour and Scandalous is no violation of the just respect due to authority. In a cõmon combustion every one ought to throw his bottle of water on the fire. A freedom far beyond what I shall use hath bin taken in good part by those who have pretended to be highest in the Church; and if in this memorial I be thought to transgress, let yo^r^ goodnes impute it to the deep sense I have of the deplorable State of this my mother church.

O y^t^ my head were a fountain of tears y^t^ I might weep day and night for the miseries of the daughter of my people. Ah who can represent the sad condition of this afflicted Church? A Schisme forming if not already formed, the power of Religion lost and we abandoned to dash one against another, profanenes daylie proving and discovering it selfe in most exsecrable [?] instances, Atheisme creeping in apace; mean while an unexcusable supinenes and negligence hath overtaken the Clergie; thus the whole head is sick, the whole heart is faint. And q̃^ch^ makes our disease desperat, we enjoy the purity of Religion under a well modelled government: yet this Reformed doctrin prevails not to reform vs, and that excellent government, under which

he Christian Religion was introduced, is like to be the occasion f its being antiquated among us. We live under a prince f extraordinary worth and virtue, full of paternal care and ffection for this nation; So y^t there is no external thing wanting o make us a happy people: and yet every considering soul ıay w^t much sadnes see us removed from all hopes of any ttlement. Behold and see then if there be any sorrow like nto our sorrow; this is a day of wrath, a day of trouble and istress of wastnes and desolation, of darknes and gloomines, f clouds and thick darknes; the judgements of God war and estilence[1] are at our door, and Schisms and divisions are con-ıming us within. It is then high time to awake, and every ne ought to be imploring the divin goodnes, y^t he would ırn away his fierce anger from us. And who knows but God ıay be intreated to turn to us in love; and to cause his face o shine upon us, and heal our wounds and repair our breaches. Ve ought also to make a diligent search, least there be an ccursed thing among us because of q̃^ch God may be provoked o deny his blessing to any thing that may be attempted in rder to our good. I do here present to yo^r consideration these hings which to me appear to be enormous abuses and such as ill they be removed no good can be expected. I desire this ttempt may not be imputed to the forwardlines of a youthly emper; I am young and ye are old wherefore I was afraid and urst not shew yow my opinion. I said days should speak and he multitude of years should teach wisdom, but great men are ot always wise neither do the aged understand judgement, nerfor hearken unto me I will also shew yow mine opinion; will accept of no mans person neither will I give flattering tles to man. However I do not pretend to any extraordinary ɔmission for what I here offer, yet I am satisfied in conscience t my duty obligeth me to it. Suffer me then humbly to repre-ent a few of the corruptions of the Clergie, yea even of those ho are highest in the Church.

The office of a Bishop is excellent and highly divin; his roper and immediat work is to lay himself out for promoting he work of religion, and to oversee the presbyters as watching

[1] The Great Plague and the Dutch War.

over their souls. By thus doing Bishops are truly Fathers of the Church. It is evident how much God blessed his work in the hands of the Ancient Bishops, for y^e^ whole frame of their government tended to the edification of the Church; they were obliged to reside constantly in their diocesses. The Council of Sardis decreed they should not be absent over three weeks yea even the Council of Trent extended this liberty to two or three moneths at most. Further those excellent Bishops made it their busines frequently to visit their diocies; the Canon determined y^m^ to do it once a year. See 4^th^ Tolet. 35. [? 36] Car 4^th^ Arelat. 17 Can. 5^th^ Lateran. 5 Can. 4^th^ Mediol. 3^ia^ part 3 Can. As the rigour of disciplin did slack it was brough down to once every two years, and at last to once every thi year.

Now this excellent government is indeed restored, but alas its not animat w^t^ the ancient spirit. What is done for the pro-moting of religion? the disturbance the Restitution hath occasioned is evident, but the good of it is yet to come; hath the king and parliament restored yow only for the name of Episcopacy? do ye think any desire a form of Church gover-nment only for its selfe? Sure it will never be sought for upon that ground alone, but as it may be a powerful mean of advancing the great designs of the gospel. What moral vir-tue or Christian grace is raised to any greater height by yo^r^ com-ing in? Are yow spending yo^r^ selves for the real good of the Church? Your non-residence would have bin judged scandalous even by the Council of Trent. How often have any of yow visited yo^r^ diocies? It is now four year since ye were set up and I doubt if some of yow have visited one Church. It is not sufficient when ye hear of scandals to appoint visitations, Yow ought yo^r^ selves w^t^ a small retinue as the Council of Milan appointed to go thorough yo^r^ diocies, and see how the gospel prospers in every parish, and observe the way of be-haviour and diligence of the ministers. There may be many things in y^m^ q̃^ch^ amount not to the height of a scandal, which ought to be reproved and amended. Ye should be giving y^m^ yo^r^ paternal directions and admonitions; ye ought also to be searching into our conversations y^t^ ye may know our faults before they be ringing in the ears of the world. Neither

hould y^e^ trust this important affair to any other persons, but earch and cognosce upon it yo^r^ selves. Yow are not Bishops t yow may live at ease and ply the affairs of the State; ye ught to feed the flock. Some of yow preach scarce ever, thers only when yow are at yo^r^ own houses, and some of yow ave their dwellings without the bounds of their diocesse.[1] I n not but think if yow seriously consider this, yo^r^ consciences ill accuse yow of a great neglect of yo^r^ charges, and yow will nd it absolutely necessary to retire to yo^r^ diocies, visit yo^r^ arishes, preach often in all yo^r^ churches, and see y^t^ the people e fed by their pastours. Which if yow seriously and con-ientiously perform, undoubtedly the blessing of the almighty all attend yow in yo^r^ labours.

There is another great evil also among yow, yow have engaged o^r^ selves wholly in the affairs of State and secular busines: a employment which all Antiquity judged unsuitable to the ergy.[2] The 6th Apost. Canon (which Canons tho not theirs et certainly are of good antiquity) runns thus Episcopus resbyter aut diaconus nequaquam seculares curas assumat, sin liter dejiciatur. The same is decreed 1^mo^ Carthag. 6th Can. halced. 6th [? 7th] Can. Forojul. 5th Can. [1^mo^] Mogunt. 4 Can. 2^o^ Cabil. 11 Can. [5th] Paris. 28 Can. 5^to^ Later. 16 Can. n all which all secular care is prohibited unless for the pro-ction of widows and orphans. And in particular the judging a Civil affairs is forbidden Con. Abrinc. Can 12. Clerici idices non ponantur ad jurisdictiones secularium potestatum dministrandas, qui autem hoc præsumpserint a beneficijs cclesiasticis arceantur. S. Cyprian in his sermon de lapsis ckons it among the cause of the divin anger in suffering that ersecution Episcopi plurimi quos et ornamento oportet esse eteris et exemplo, divinâ procuratione contemptâ, procura-ores rerū secularium fieri derelictâ Cathedrâ. And when the hristian Emperours were obtruding and offering civil affairs, o the inspection and care of these primitive Bishops, they did

[1] Cockburn declares this to be a great exaggeration, 'There were scarce above ne or two who did not reside in their diocese, and these not far from it, except e Bishop of the Isles' (p. 37).

[2] Cockburn says, this charge only applies to Sharp of St. Andrews, who was Privy Councillor (p. 37).

regret it as a thing unfit for y^{m}; and for which they had no leasure. And if no man that warreth ought to entangle himselfe w^{t} the affairs of this life, much less a Bishop as in the 20th Can. of the 4th of Carthage. Ut Episcopus nullam rei familiaris curam ad se revocet, sed lectioni et orationi et Verbi Dei prædicationi tantum modo vacet. But alas how different is your practise from these rules! would to God the Church touched yo^{r} heart as much as the Court and State does. I shall not say but in Ecclesiastical matters the Churchmen may advise the State; but to medle in every affair, to precede in Council, to judge in the Session and to sit in the Exchequer are certainly without yo^{r} road. I hope yow do not judge yo^{r} selves the least esteemed in the Church, for whom the Apostle appoints that employment. Would to God yo^{r} practises did not give yo^{r} Adversaries too much ground to account so of yow. Yow ought to excuse your selves from these employments yow have nothing to do with, and I am sure the king would never like yow the worse for it. How absurd and unreasonable is it y^{t} yow who have such a heavy task as the settling of this shattered Church should abandon your diocies and fill yo^{r} heads w^{t} matters impertinent to yow. By this mean yow open the mouths of your Enemies to tax yow as persons addicted to the pride and ambition of the world yow discourage yo^{r} friends, who know not how to apologize for this inexcusable error. It can not be said of yo^{r} Episcopacy onerat quam honorat magis, yea sure in yow its rather honos quam onus, and till this be corrected I know not what can be expected from it. Think not to excuse yo^{r} selves by the necessity of the time; we have divers blessed be God, who would serve their king and countrey faithfully, but suppose yow saw none yow should leave that care on the hands of God, who will not fail if need is to raise up patrons to his Church. But tho the ark of God was tottering yet Uzzah did not scape unpunished for upholding it, so tho the State were ruining yow are not called to uphold it but by yo^{r} prayers and tears or at most yo^{r} privat advice.

Suffer me also to tell yow somewhat of yo^{r} way of carrying on affairs; Yo^{r} moderation ought to be made known unto all men: How sad is it to hear the Bishops called the most immoderat of any: Sweet and serious are the insinuations we

have of charity and meeknes in the gospel, above all the Servant of the Lord must not strive but be gentle to all men, apt to teach, patient, in meeknes instructing these that oppose y^m selves. And how contrary is it to the meek and rational spirit of the gospel to drive any into our Society by force, or to fyne y^m that oppose y^m selves[1] in their Estates, because God hath darkened their understandings. Neither can this practise be excused of that fanatical opinion y^t dominion is founded on grace. All the plea can be used for such courses will justifie the persecutions of the Heathen Emperours, the cruelty of those of Rome and the late violences of the Presbyterians. The ancient Christians did abundantly detest this practise. Tertull. ad Scapulam sayes 'Humani juris et naturalis potestatis est unicuiq; quod putaverit colere, nec alii prodest vel obest alterius religio: sed nec religionis est religionem cogere, quæ sponte suscipi debe[a]t et non vi.' Many such discourses are to be found among their writings; and if they were of this opinion only when their Enemies managed the State, they were highly disengenuous. But such a strain must not ly on these purer ages. The Arrians, Macedonians etc. (altho they had given abundant proof of their cruelty when they had power) were permitted to have their Churches without the Cities; the Novatians as factious a Schisme as any ever was, had their churches even within the patriarchal Seas [*sic*], and tho Priscillian and his followers were most exsecrable Hereticks, revivers of all the abomination of the Gnosticks, yet St. Martyn and Ambrose would not communicat w^t Ithacius, a Bishop q^o prosecuted y^m before the Emperor to the taking of their lives. This first act of cruelty exercised by Christians prospered very ill, it occasioning the spreading of that accursed doctrin. Much does Nazianzen glory y^t by sparing and moderation he had gained the Arrians, Apollinarists etc. Shall I mind yow of that famous sentence of St. Austin 'Sæviant illi qui nesciunt quo cum labore verum inveniatur et quam difficile caveantur errores; illi sæviant qui nesciunt quam rarum et arduum sit carnalia phantasmata piæ mentis serenitate superare: illi sæviant qui nesciunt quantâ difficultate sanetur oculus

[1] The words 'that oppose y^m selves' are deleted in the manuscript.

interioris hominis, ut possit intueri solem suum: Illi sæviant qui nesciunt quib9 gemitib9 et suspirijs fiat, ut ex quantulacunq; parte possit intelligi Deus.'[1] And Gregorie (as in the Canon law 45 dist. 3d ch.) says 'Qui sincerâ intentione extraneos a Christiana religione ad fidem cupiunt rectam perducere, blandimentis ō [*i.e.* non] asperitatibus debent studere, ne quorum mentem reddita ad planum ratio poterat revocare pellat procul adversitas. Nam quicunq; aliter agunt et eos sub hoc velamine a consueta ritus sui volunt cultura suspendere, suas illi magis quam dei causas probantur attendere.' There he doth cōmand y^t the Jews should not be molested, nor hindered from their publick worship, And the 6th of the same dist. hath these words of Leo the great. 'Licet non nunquam accidant quæ in sacerdotalibus sunt reprehendenda personis, plus tamen erga corrigendos agat benevolentia qùam severitas, plus cohortatio qùam comminatio, plus charitas quam potestas: sed hi qui quæ sua sunt quærunt ō [*i.e.* non] quæ Jesu Christi, facile ab hac lege discernuntur; et dum dominari magis quam consulere subditis quærunt, placet honor, inflat superbia et quod provisum est ad concordiam tendit ad noxam.' And now in the Church of Rome Protestants are tolerated, and amongst us Papists are not molested. Now I must say its pretty odde y^t Papists have masses without trouble, and are not forced to keep Church (mistake me not as if I did disapprove of that connivence) and yet the Presbyterians are tossed and harassed if they go not to Church or meet for religious worship: since the principles of the former are incomparably worse. Think not y^t I am to reprehend the laws or the actings of any Judicatorie, I know many laws are made ad terrorem. God forbid those against the Papists were put in execution, which his Mat̃ie termed sanguinary laws in his excellent declaration of Dec^r 1662 (whence clearly appears his Mat̃ies own good inclination to moderation, which is indeed very suitable to his equal clemency and gentlenes, which makes him admired all the world over). Neither am I to judge of the actings of Statesmen, they have their own political reasons which privat persons ought not to inquire into. But y^t

[1] *Contra Epistolam Manichæi*, lib. 1.

Churchmen who ought to endeavour the moderating their sharpnes should instigat y^m^ to such things (and that under pretext of Religion) and take in ill part the offering of any thing in Law for stopping such courses, is a thing ag̃t which I can not conceal my dissatisfaction. These are not the ways of the gospel, and blessed be God they have never bin prosperous: but often violence hath bricoled upon the doers to their own ruin. Let me here use a little freedom. What violent doings have we seen? turning out hundreds of ministers, forcing scrupulous people to Churches w^t^ oỹ^r^ barbarous actions. These things yow ought not to have driven on. I do not justifie the Presbyterians in their humours; I know too many of y^m^ are schismatical and factious, but I am confident many of y^m^ have the fear of God before their eyes, and desire to keep a good conscience, and might be induced to live peaceably. So y^t^ as Salvian excused the Arrians, 'Errant, sed nescientes errant, si n: [*i.e.* enim] scirent errorem deponerent.'[1] And therefore they deserve compassion from all, especially from most of your selves, who were once in the same errour (for having taken the Covenant and persisting so long in a violent profession of presbytery,[2] yow have either strangely prevaricated or were really of that opinion; I speak not this to yo^r^ reproach, I know humanum est errare) yow know what influence prejudice, education and a misinformed conscience had then upon yow: and say as before the Lord would ye have bin pleased, had yow bin used as they are, when yow were of their persuasion. Remember our Saviours rule. Yow ought to have more pitie on these who were your fellows in the errour. Now this I can positively say, y^t^ nothing hath bin done in a rational way to gain y^m^, no offers for a mutual condescension, scarce any thing but authority hath bin used to bring y^m^ in. I speak not this of particular favours to a few, and I wish there were moe such instances. But no attempts have bin made for bringing things to a general accomodation.

One particular I must touch ere I leave this matter, some of yo^r^ number their voting and judging (if my information was not

[1] The allusion would appear to be to the *De Guber.*, v. 2; but the quotation is not exact.

[2] Cf. Burnet, *History*, Airy's ed., vol. i. p. 238.

false) in causa sanguinis; which they did both in Council and Commission: in the one declaring some things to be seditious, which is tho remotly causa sanguinis: in the other voting to the whipping and stigmatizing some offenders. Truncationes in the Canon law are causa sanguinis and how nigh this is to that ye may judge. Now the Censure for such a transgression by the Can. ([1] 23 Quæst. 8. ch. 30) is to be deprived of their place and orders, to be imprisoned during life, and not to be received to the Cōunion of the Church nisi in extremis. Let me now seriously intreat yow to turn in yo^{r} eyes a little to yo^{r} way in these matters and I darre assure my selfe y^{t} the evil of it shall quicely [?quickly] appear; y^{t} this bitter zeal (the wisdom whereof is earthly, sensual and devilish) being put off yow may put on bowells of mercies, kindnes and humblenes of mind, and be examples of moderation and charity.

The State and grandeur which yow do keep up is not very suitable to that sacred function. A Bishop ought to be humble; now it is hard to persuade people who see yow live as yow do, y^{t} yow are such. It may seem a little impertinent to speak of the mean rank the Apostles and primitive Bishops lived in, for yow may think it was a necessary virtue in y^{m}: yet I could tell yow y^{t} amongst the Christians there was great respect payed to y^{m}: but how far they were from any fastus Episcopalis S^{t} Cyprians works will sufficiently evince. And however the Clergy did swell not a little at the caresses they received from the Christian Emperours, yet there were excellent rules laid down for restraining that pride, which was ever so natural to the Clergy. It is decreed in the 4. of Carthage 15 Can. 'ut Episcopus vilem supellectilem et mensam ac victum pauperem habeat, et authoritatem dignitatis suæ fide et vitæ meritis quærat.' See the Council of Tours 5th Can. that of Pavia 3 Can. the 3 of Bracara 5 Can. The Bishops life should be a rule of living. Away then with all that pomp and parad in which some of yow live. Altho I scruple not the giving yow yo^{r} titles, yet sure the less yow looked at, or accepted of such things, the more honour would be payed yow. The dignity which the munificence of princes hath conferred on yo^{r} function

[1] The word omitted is '*Causa.*'

ıld be a load to yow, q^{n} this greatnes gives such occasion o^{r} Adversaries their judging yow ambitious and proud, and ɔrtifying y^{m} w^{t} a prejudice against yow as such. I know no ıse for yo^{r} not complying w^{t} y^{m} in this, since I am sure the ıg is not necessary: and I appeal to yo^{r} own consciences ther a Bishop living in the same meannes wherein formerly lived, refusing all these outward insignificant deferences, ɔcising no authority but a paternal one over his presbyters, in all things else carrying himselfe tanquam Collega presɔrorum, as the Canon calls him, and as a pattern of meeknes he not resenting and pardoning of injuries, of humility and tempt of himselfe and undervaluing of the world, and the ısing of and abstaining from all the gallantry thereof, judge ther such a Bishop would be a likelier instrument of doing d in the Church than yow are. Your high places, brave ses, coaches[1] and titles savour but little of a mortified it: and however by yo^{r} stately garb (which tho but inconɔrable compared w^{t} that of other Bishops, yet consideringe nation is great) the canail and sordid cattel may trucklst ler yow, and pay yow much of that the world calls honour; no noble or generous soul will be moved thereby to esteem ɔ; but will say w^{t} the learned Hierom Negotiatorem Clericum, ɔaupere divitem, de ignobili nobilem,[2] quasi pestem quandam e.

)ne abuse more shall end this charge, the enriching yo^{r} ɔes w^{t} the goods of the Church. Sacriledge is an exseble sin cōmit it whoso will, but it is highly abominable ɛn done by Churchmen. Are these great revenues put in hands y^{t} ye may live bravely and leave great fortunes to children, and so enrich y^{m} w^{t} the spoils of the Church. w are not the possessors but the Administrators of yo^{r} ts, which yow ought to lay out upon pious uses, training of youth, maintaining the poor, helping the seminaries of rning and the repairing of churches. There is no particular

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Cockburn says none of the bishops save Sharp ever used a coach, except in weather.

The quotation really runs (Migne, xxii. 531), 'ex inope divitem, ex ignobili riosum.'

for which the Ancient Canons are more clear. The 39 and 40th Apostolical Canons are plain, 'Sint ab invicem separatæ res Ecclesiæ et res Episcopi propriæ, quas ille dare possit quibus voluerit.' Y^e 49 of the 3d of Carthage (which tho long, yet for its plainnes and the great authority these Councils have ever had, I shall set down) is 'Placuit ut Episcopi &c. qui nihil habentes ordinantur et tempore Episcopatus agros vel quæcunque prædia suo nomine comparant, tanquam rerum dominicarum invasionis crimine obnoxij teneantur, nisi admoniti Ecclesiæ eadem ipsa contulerint: si autem ipsis proprie liberalitate alicujus vel successione cognationis evenerit, faciant inde quod eorum proposito congruit; quod si a suo proposito retrorsum exorbitaverint, honore Ecclesiastico indigni tanquam reprobi judicentur.' See also to this purpose Concil. Agath. 48 Can. Concil. 9 Tolet. 7 Can. 3 Turon. 10 Can. 2 Later. 5 Canon. 15 Paris. 26 Canon. 3 Later. 15 Can. 19 Tolet. 5 Can. Trident. Sess. 21. This is also clearly in the Canon law 12 cause. 3 Quæst. And it is the opinion of all the Canonists, y^t goods thus acquired do ipso facto accrescere to the Church. By all which yow may see y^t they would never in any age allow Bishops the liberty of enhaunsing [? exhausting] the goods of the Church or of leaving y^m to their children or friends. It is mistake if yow think this order was because of their cælibat, for their children are mentioned in the Canon, and it was long ere even the Western Church ordained those that got orders to leave their wives, but still those who had children might have entered into orders, they deserting their wives. But they did really believe it to be rapin and sacriledge to invert church revenues to domestick uses. And there is nothing more unreasonable than to imagin these great dotations were intended for enriching and making up of Laicks (for such are yo^r children). This scandal cryes aloud, it is the objection of every one; Bishops are making purchases and great fortunes for which yow must see what to answer yo^rselves; for my own part I can devise neither answer nor excuse. Yow have impoverished the Universities by taking yo^r revenues from y^m, and the poor ministers must be taxed for making up of this. The blessing of God is not to be expected upon an estate so sacrilegiously acquired. The conquests of former Bishops have

not prospered so well, as to give yow any great encouragement from that hand.

The abuses of the Bishops are not the alone guiltines that lyes on this Church, but all the Clergy have sinned and come short of the glory of God. Suffer me then w^t^ the former freedom to tax a few abuses in the inferiour rank. I shall begin w^t^ their way of entering into the ministery. And first what sordid means are used for procuring presentations? they seeking y^m^ themselves or by the mediation of their friends, whereby they evidently demonstrat they were not called of God to the ministery. The Bishops ought to enquire upon what grounds presentations are granted, and if there have bin any means used by the person presented, it should be a sufficient stop in his way. S^t^ Cyprian likewise I believe advised more w^t^ the Church (I mean the laitie) than is now done. I find him apologising for ordaining a Lector inconsultâ plebe, altho he was a Confessor.[1] And in his 4. Ep[2] he says it is in the peoples power to chuse or reject their priest. The abuses of Laick patrons are great but one thing I ought not to pass by. Bishops are the only patrons whose servants have fees for presentations and these not small considering Scotland,[3] whereas they are freely granted by Lay patrons. This is a degree of Simonie and can not be well excused. A presentation once granted what probation is used? truly a matter of so great concernment ought not to be taken upon trust, for after they have bin remitted to and returned from the presbytery, it would much cõmend yow to try y^m^ yo^r^selves and see what is the temper of their spirits and what their fitnes for so great an employment, and this not by an overly talking w^t^ y^m^, but by a long and serious observation of their piety, prudence and inclinations. That so knowing y^m^ exactly yow may give y^m^ suitable directions and imploy^t^ fit for y^m^. Further what sorry and insignificant tryals are these of the presbytery? Shall the Bishops sit down upon the dregs of the presbyterians, and rise no higher w^t^ their reforme? Shall a few jejune discourses

[1] Migne, iv. 322. [2] Erasmus's edition.

[3] Cockburn controverts this: he says he cannot speak for the dioceses of St. Andrews, Glasgow, or Edinburgh; but elsewhere the fees did not exceed '20s.'

which the weakest capacity pick out of books be a suffici[illegible] qualification for a minister? Shall it also suffice to say co^sation is not scandalous? this is but a negative and [illegible] recōmend to the Communion of the Church, but not to [illegible] order of priesthood. Believe me the probations of [illegible] Ancient Christians were not so slender. The first 10 Can [illegible] of the 9 of Carth. tells us how many degrees they must [illegible] ere they could offer at the altar. How absurd is it ther[illegible] this order should be obtained w^tout either long probation [illegible] previous degree? Our want of Deacons is as essential as any relating to Government can be: for I am assured more can be said for proving y^m to be jure divino than Bishops; and were there a true zeal for framing things according to the primitive pattern this could not be forgotten. Further if in yo^r Ordinations ye followed St. Cyprians rule, yow would ordain plebe præsente et diligente, and go to the Churches where they are to serve and there marry y^m to their people. This would be infinitly more grave and solemn than to transact it w^t three or four Ministers in the church next yo^r residence. I confess yo^r way is more easie for yo^rselves: but sure not so expedient for the Church. The fees yo^r serv^ts take for Collations and oȳr writts ought not to be tolerated; yo^r revenues may suffice very well for the maintaining of your Clerks, and poor young men who are entering into the ministry ought not to be burthened w^t y^m. See Concil. Sabin. 19 Can. and Trident Sess. 21. Can. [? Cap.] 1. where Bishops Servants are discharged nec pro literis dimissorijs aut testimonialibus, aut sigillo aut alia quacunque de causa sponte oblatum quovis prætextu recipiant.

Now the door to the holy orders being so ill kept, no wonder many wolves, robbers and thieves enter in, who betake themselves to the ministry for filthy lucre. It is too evident y^t for most part the ministry is sought after as a livelihood. And I fear were there no allowance we should have but few miñrs. Yo^r example and care will be the best way to wean us from this base and sordid humour that renders our persons so contemptible and our labours so unsuccessfull.

The Conversation of our ministry is far from what it ought to be. O how ought we to be ashamed when we read of the

ıe, temperance and almost incredible devotion of the itive Clergie; their lives preached more than their ths could. But oh! that divin spirit is gone. Are not lergy cōmonly the proudest in their parishes, as sensible ıjuries and as apt to be angry as any, conversing pro-uously, going to tavernes, and conforming y^m^selves to the ›ms of this world: so y^t^ they who lead my people cause › erre. Truth is it is no wonder to see their conversation , for there be no Canons to regulat y^m^, no visitations to ten y^m^: and it is very natural to abuse such a liberty licentiousnes. What crying scandals do go upon the s in the West. I am loath to believe the halfe of what is ; but if they be innocent more might be done for their fication. Free and frequent visitations is the only way to y^m^.

ıe great oscitancy and negligence of the ministry comes to be considered. This thought can not but pierce the t of every serious Christian. It can not be denyed y^t^ y of the presbyterians did farre outdo us. What are chings turned to? long formal discourses, often impertinent unintelligible to the vulgar, at best wrought out w^t^ an ose method and stuffed w^t^ pedantry. If our Saviour, if Apostles, if the Ancients be the patterns of preaching, shall mistake our pulpit discourses for sermons, which ıt to be serious, nervous and short insinuations of the t duties of religion, breathed out from a breast deeply ted w^t^ the sense of what is spoken. But how dry are our preachments, where the poor people must be worried an at least w^t^ such mean stuff. It is yo^r^ part to see to the cting of this by acquainting yo^r^ selfe w^t^ the way of the s not only in these studied composures which they may upon occasions, but w^t^ their ordinary way of preaching, ›w may be able to advise and direct y^m^.

side preaching I know not what is done by most miñrs, pt it be that pitiful busines of catechising once a year, h is so jejune y^t^ I admire how it can satisfie persons con-ce. Our Catechisme is not for the vulgar, it is too lastical in the terms and too speculative in the notions. plain and practicable should be of extraordinary advan-

tage to the Church. But when a miñr hath made y^m learn the best composure can be made, he hath but begun his work, which is to beget a sense of God, of Religion and of the life to come, in the souls of his flock. Let us all lay our hands on our mouths and acknowledge w^t shame in the presence of God how defective we have bin herein. How seldom do we visit our people? how little do we talk to y^m apart? and how little are we acquainted w^t the condition of their souls? It will be necessary yow go often up and down among us and among us to oblige us to be more faithful to our trust.

There is another great neglect of our ministry, the unfrequency of Cōmunions. Once a year is the most that generally ministers think y^mselves obliged to give it; and they adjust it so w^t their catechising y^t till all the people be examined, no Cōmunion. Then there is such a crowding as makes the most solemne part of worship very confused. I shall not need to tell yow how frequently the Ancient Christians did receive, nor how frequent it is in all the Churches of God except Scotland. Four times a year in every Church it ought to be celebrated, y^t the more devout may frequently partake of these holy mysteries. And if the minister be not satisfyed concerning the knowledge of all the Commons, let at least those q^m he hath examined and does know, receive.

The consideration of this part of worship doth draw me into a more general one concerning our worship, which is extremely flat in all the parts of it. Our Church prayers are long without any order and often very dull. I must say this Church the only one in the world which hath no rule for worship. Even the Presbyterians had their directory. How heavy and grievous must it be y^t all the prayers of the Church depend upon the extemporary gift of the minister? the compiling of a grave lyturgie,[1] the prayers whereof shall be short and Scriptural and fitly depending one upon another, should be no in-

[1] Cockburn says the bishops were precluded from Offering, Canons, and a Liturgy, by orders from Court, 'lest such things should provoke to a new Rebellion,' pp. 37, 38. See also *Lauderdale Papers*, ii. Appendix xxx. Burnet says that he himself was the only minister in Scotland who used the prayers of the English Church, not reading but repeating them.—*Supplement*, p. 471.

onsiderable service to the Church. Were such a composure roposed w^t^out any cermonies (which are of no necessity and ive great occasion of stumbling) and without imposing of it pon any one person it should certainly at long runne turn to ur great advantage. But I confess we are at present in such posture, y^t^ except many things be reformed ere this be introluced, little good can be expected from any such attempt. It ere good the form of our praises were amended: these slow ng tunes whereby but a few lines at a time are sung, are not he best way. And why we have no Gospel hymns as well as he gloria patri I see no reason.

I shall leave the consideration of these important matters pon yo^r^ souls; and I hope after a full reflection on y^m^ and any oȳr particulars (which least this memorial should extend nto a book I omit) you will find y^t^ God is pleading a contro-ersie w^t^ the Clergy because of their sins. He permits the ust respect that is due to y^m^ to be denyed y^m^, he suffers y^e^ eople to be drawn from y^m^ into corners and conventicles. This evil is of the Lord. Let us therefore humble our selves efore him, and w^t^ all ingenuous freedom and deep remorse cknowledge our transgressions, and let a Reformation of very thing that is amiss among us be carried on vigourously nd seriously. Let us first rectifie our own errours, y^t^ so aving put out of our own eyes these beams of ambition, ovetousnes, uncharitablenes and negligence we may be able learly to discern how to regulat the conversation of the Laytie.

And here I must remember yow of the great dissolutnes of he people especially of the Gentry and Nobility of Scotland. It is the complaint of all even of such as are no way disaffected o the government y^t^ sin and profanenes was never at so great height as now. This thought should startle yow y^t^ at yo^r^ oming in there hath broken out a deluge of wickednes, that hath almost quite overflowen the land, scoffing at religion, wearing, drunkennes and uncleannes can not but meet yow where ever yow are. I doubt not but this consideration is very sad to yow. These who judge of Episcopacy by this take their measures wrong. It was under this excellent gov^t^ the power of Religion did prevail over the powers of darknes.

But really that blessing is now withheld; I must say we are too much to blame for it our selves. The want of disciplin is no small defect, for except some ragged relicts of Presbyterie we have none. The sins of these that are in a higher rank are connived at. How suitable is this to the 74 of the 4 of Carthage Ut Sacerdos pœnitentiam imploranti, absqe personæ acceptione, pœnitentiæ leges injungat. It is great injustice and argues a basenes and timidity of spirits to enjoin pennance to the meaner, and to let the great ones go free. Is not this that respect of persons S. James condemns in Christian judicatories. Drunkennes, customary swearing and scandals of uncleannes are notour of many persons who are daylie in yor eye. Is the Apostles rule observed (yt wt one who is called a Brother if he be such we ought not to eat) when persons are yor confidents wt whom Christian Bishops ought not familiarly to converse? none by their personal faults ought to be prejudged of the obedience and civil respect due to ym: but it is the opinion of all who have deeply considered the matter, and was the practise of the Ancient Bishops, yt the Church in her Censures ought not to reguard these things. Bishops ought as by their own conversations, so by their favours and friendships to express what lovers they are of virtuous persons and what haters of those who are vitious.

Our disciplin is also in it selfe but very slack, far short of that primitive rigour which God blessed wt extraordinary success. It was far from scarring away any from Christianity; for by the blessing of God infinit numbers were daylie flocking in to the Christian Societies. And an assured blessing will ever attend those who carry on Gods work by his own method. Our disciplin also is very lame being enjoined only for a few sins. But that which destroys the nature of it is that we inflict it as a punishment and force people to it. This is nothing like Church penitence, to which the offender should earnestly crave to be admitted. And this was the first form of it as will appear from the Canon last mentioned. We erre likewise in our receiving penitents to all the priviledges of Christians at once, which should be done by degrees as was of old: yt thus we might be more infallibly ascertained of the truth of their repentance.

These are the abuses in our disciplin which are most considerable; and to see a Reformation of y^{m} will be the earnest desire of all who love the welfare of the Church.

Now I have done, let not this representation provoke yow to anger. I believe yow shall find it too full of sad truths; and I can say it as before the Lord I have no design in this paper but the glory of God, the good and settlement of this Church, the real interest of Episcopacy and the peace of my own conscience, in having now done the utmost can be expected from one in my station. I have not done it to cast dirt upon yow, nor upon my mother Church. This is no libel, but a privat monitorie addressed to yo^{r} selves in all secrecy, without any purpose of divulging it. I have done yow I believe in this a friendly office by telling what others think and speak in corners. I honour yo^{r} persons and do obey the laws: and I hope yow will find nothing here impeaching on my duty. Yow will perhaps think y^{t} I talk at too great a rate for one of my age and station. In this consider not the person but the advice, which I can say is not contemptible. Yea I can adde upon knowledge y^{t} these things I touch on are the sad and serious regrates of all those that are best affected to his mãtie and the Church, and the truest friends of Episcopacy. Slight not this advertisement. Remember y^{t} out of the mouth of babes and sucklings God hath perfected praise. I do therefore entreat yow as in the presence of God, who sees yow, who hath set yow up, and who can pull yow down, as yow desire to be reconciled to him in Christ, as yow desire to be blessed in yo^{r} endeavours for the establishment of this Church and as yow desire this holy spirit to direct help and comfort yow, and as yow will answer to the great God at the last day, y^{t} yow will in still and sober sadnes ponder what I have written. Think it does concern yow: for by reforming yo^{r} own order, us, and the people, yow shall acquit yo^{r} selves faithfull of the duty of Bishops, stop the mouths of yo^{r} Adversaries, convince gainsayers, refresh the souls of all that love yow and pray for yow, by the blessing of God heal the wounds of this diseased Church, be reputed of by the virtuous in all succeeding ages, acquire much peace unto yo^{r} own consciences, be highly favoured of God,

and to crown all yo^r reward shall be full, yow shall be ever w^t the Lord. This shall be the constant prayer of

I have made use of some Canons of the Church in the corrupter ages of it, not out of any authority I acknowledge in these Councils: but the argument is strong, y^e abuses ought not to be permitted in a Reformed Church, that the corrupted would not tolerat.

[fol. 110 is merely a blank leaf.]

III

Bishop Leighton to Gilbert Burnet

[Brit. Mus. Add. MSS., 23,135, fol. 98.]

[*Address*]: For Mr. Gilbert Burnet at London

Dunbl. Octob. 9 [1671]

Sir,—I mett lately with o^r noble freind through whose hand this comes to you, and descoursed a while of our affairs, what concerns my unworthy self I am very weary of hearing or speaking so much of it, and after all cannot see reason to recede from my opinion, my retreat (w^ch I think I forsee will bee very quickly unavoydable) may bee much more decent from my present posture, then after a more formall engagement,[1] and will expose mee lesse to y^e imputation y^t one of y^e late pampleteers throws at mee of phantastick inconstancy though I think hee has not hitt mee, at least I feel it not, for as to my remooves he reckons upp I am sure there was never lesse of any man's own share in any remoov, then was in all mine and as for his other instance of being neither pleasd with presbyterie nor Episcopacy, with y^e exorbitancies of neither I confesse, but if y^e thought of their regular con-

[1] He alludes to the possibility of his formal translation to Glasgow. See *Lauderdale Papers*, vol. ii. p. 214; also Sharp's letters, *ibid.*, 215-6, which alludes to Burnet's presence in London, and Leighton's projects. He was elected archbishop 27th October 1671.—Scottish History Society, *Miscellany*, vol. i. p. 266, note 2.

junction could have entered into his head hee should rather have sayd I was pleasd with both, for I have bin constantly enough of that opinion that they doe much better together then either of them does apart and have in this y^e^ consent of great multitudes of heads as strong and clear as his and his brethrens are hot and cloudy, but this is a digression. of our higher vacancies I have sayd enough in my former, and possibly too much, but that tis alwaies tempered with absolute submission to those y^t^ are both so much wiser and above mee; but for our vacant parish kirks in y^e^ west I wish it were taken into consideration and well resolv'd on what way of supplying them will bee fittest in order to y^e^ publick peace w^ch^ I conceiv wee are mainly to eye in our whole busines. I waited on y^e^ Lords of Councill this week but they have given mee neither any new comand nor advice in this particular w^ch^ till I receiv from some y^t^ have pouer to give it I must forbear to attempt anything, and rather let things rest as they bee then by endeavouring to better them, run y^e^ hazard to make them worse. I am not doubtfull of yo^r^ utmost assistance in these affairs both where you are and when you return, nor need I any more repeat y^e^ request of y^e^ constant charity of yo^r^ prayers for yo^r^ poor brother and servant, R. L.

IV

Dr Leighton to Dr Burnet

[Bodl. Add. mss., D. 23.]

Bradhurst, Jan. 12.[1]

Sr,—I presume yow will beleev y^t^ I feign it not, when I tell you that notwithstanding my extream lazines to 't, I had thoughts of writing to yow, before I received yours but yow have y^e^ advantage, and I the obligement of yo^r^ having prented mee, And when I open'd it I assure yow I was glad to

[1] It seems quite impossible to date or arrange the following letters, even in conjectural order; but we must observe that Burnet received his honorary degree of D.D. from Oxford, September 1680, and that Leighton died in June 1684.

see yo^{r} hand, but when I had read a litle of it, I was greatly ashamed of yo^{r} overvaluing so very a nothing, yea of one so much lesse and worse then nothing, I say it not affectedly, but as it is y^{e} truth in itself, it is y^{e} reall sense of my mind. but what yow say of my converse I can return yow with much better reason, of yours with mee since our first acquaintance, when I remember (as often I doe) how great a releif it was to mee all along of y^{e} pain and vnpleasantnesse of that station wherein I was engag'd. I am glad that those noble persons yow write of are come safe through so long a iourney in such a season of y^{e} year though I am become crazy and sickly I would not delay to waite vpon them, if I could doe them any reall service, but being sure I cannot, I hope they will pardon mee, and accept of my intention of paying that duety (God willing) before their return homewards, w^{ch} I suppose will not be sudden, but of that I will intreat y^{e} favour of notice from yow. I am glad of y^{e} Bp of D's restitution, and desire yow when yow write to him to remember my service and kindnest good wishes to him, for y^{e} condition of y^{t} church, I can not bee insensible of it, and being never to doe any other service in it nor to it I desire after my poor fashion to pray so much y^{e} more for it. For my self and this retreat I neither can nor will say much, but as I desire to embrace it with humble thankfulnes from y^{e} hand of y^{e} father of mercies, as a favourable answer to y^{e} dayly petitions of many years, so I intirely depend vpon y^{e} same hand for y^{e} happy improovement and advantages of it. And though I attain litle or nothing of them, I would willingly say as some body once did who being ask'd what hee was doing in a solitude hee had chosen, gave no other account of it but this propter Christū cellulæ huius parietes custodio. I desire to keep y^{e} rooms quiet and vacant not onely that without mee but cheifly y^{e} cell within, for him who is y^{e} alone rest of souls and makes them dwell alone in safety, for our thoughts of y^{e} world about vs I need not tell yow y^{t} know it so much better then I, y^{t} there is one great thought y^{t} drownes them all, y^{t} this all is nothing, and he alone is all y^{t} form'd it, ὁ ὄντως ὤν, and that governs it and all things in it and does whatsoever hee will in heaven and earth, and cannot will but what is best. The Lord shall

reign for ever, even thy God o Sion, to all generations and therefore Halelujah', that is y^e^ close of all, and shall bee so to all eternity.

I am very glad of y^e^ welfare of y^t^ excellent person, my L. of Perth, and y^t^ y^e^ first news I heard of his dangerous sicknes was this yow sent mee of his recovery, and begg the favour of yow when yow write to present my humble service to him: If hee comes to London before I see yow, I intreat yow in stead of offring to conduct him hither, let mee know of it that I may save yow both that labour, w^ch^ will bee much y^e^ better for severall reasons, w^ch^ I will freely tell yow when ever wee meet, and I beleev will bring yow to bee of y^e^ same opinion. I hope I need no more bespeak y^e^ continuance of y^t^ singular favour y^e^ help of yo^r^ prayers, having no doubt of yo^r^ constant kindnes in all respects but in y^t^ above all y^e^ rest, and finding a certain pledge of it within my self, my dayly remembrance of yow as of my self. Adieu.

I know not if my Lord Kink[ardine] bee still at Lond. but if hee bee, I must give yow this one more trouble, when yow see him, of presenting my humble service. I know well how insignificant this is from mee to any, and especially to persons of y^t^ quality, but where both my duety and my affection doe so much require it, I cannot dispense my self wholly to omit it, the receiving of y^e^ letter enclosed in yours occasions to trouble with this for this time, w^ch^ yow will be pleas'd to send vnder any cover yow think fittest, as yow have opportunity, for it requires no haste.

For Doctor Gilbert Burnett at London.

[Sealed in black wax.]

Bradhurst, Jan. 23.

Sr,—I am so horribly asham'd of yo^r^ extream overvaluing a thing in itself so little worth, but my indispensable debt and duety towards yow, that I am resolv'd henceforward to make no more mention of it, but to rest secure of the gainfull bargain I have made with yow in that matter. yo^r^ good ladies condition, though it lookes vnpleasingly, yet is really happy, y^e^

present darknes and sleepines of her imprison'd soul being y^e^ forerunner of its approaching liberty and full awaking to perfect and perpetuall light where wee likewise hope ere long to bee.[1] As to those wise Gentlemen in y^e^ North let them triumph as much as they please, in their counsels and conquests non equidem invideo, miseror magis that known world seldom fayles. violenta nemo imperia continuit diu, moderata durant.[2] but what pitifull poor things are wee if in our higher stations in y^e^ world and particularly in y^e^ church, wee proiect no higher end, then to drive poor people about vs into a forc't compliance with our little wretched interests and humors Ὦ *ματίης μανίης τε βροτῶν*. y^e^ french persecution[3] is another mad frisk on this stage, but I am glad it produces so good effects on y^e^ sufferers, as it will certainly at y^e^ longer run produce very dismall effects to y^e^ advisers and actors of it. Mr. Wood remembers his service to yow with both our hearty thanks for y^e^ lines yow sent vs w^ch^ discover so much y^e^ kindred of y^t^ ladies genius with My Lord Rochester. I will say no more at present but after our wonted manner sans compliment et tresincerement. Adieu.

For the Reverend Doctor Burnet.

[Sealed in black.]

Febr. 15.

Sir,—I receiv'd yo^r^ letter of y^e^ 7^th^ of Febr. for w^ch^ I very heartily thank yow, and assure yow once for all that yo^r^ letters are so farr from troubling mee that they will bee alwaies a very welcome refreshment to mee, provided yow can persuade yo^r^ self to bestow them as a pure charity, looking for nothing again, and I mean that as well when I doe return

Lady Margaret Burnet, who 'fell under such a decay of memory and understanding that for some years [for above a year] she knew nothing and nobody' (*Supplement to Burnet*, pp. 481, 490). She died May or June 1685.

[2] This would suit very well with the incident mentioned in *History*, Airy's ed., vol. ii. pp. 416-419, just before Burnet's account of Leighton's last journey, which was undertaken, at Burnet's instance, that he might work on Lord Perth, one of the most unscrupulous Scotsmen in power.

[3] Burnet, *History*, Airy's ed., vol. ii. p. 440—'The persecution . . went on still in France.'

ıe kind of answer as when I doe not, for both are alike hing and as I account them so I desire yow may doe so too, then yow will y^{e} more easily pardon mee when I fayle or ıy to answer. I confes my retreat hath some advantage in owards y^{e} best ends of our life, but will not trouble yow h y^{e} iust regrett I have of my litle or no improvement of it hose ends for w^{ch} as it hath some fitnes, I cannot deny I desire and design it but through his help who hath so ɔurably granted it to mee, I will not give over y^{e} poor eavours I can [*word deleted*] of better proficiency, nor y^{e} hopes ave in his vnweari'd goodnes who does nothing in vain, and er fayles them y^{t} waite for him. And I am releev'd by the fidence I have that yow and many others, doe him so much ter service in a more active state of life, and yet withall doe ke greater advances in y^{e} contemplative and it reioyces mee vnderstand that yow meet with some such among yo^{r} uaintance and I doe most affectionately wish the increase of ir number and their graces. I must again trouble yow to sent my humble service to those worthy persons yow ntion in yo^{r} letter of whose vndeserved kindnes to mee all ng I am very sensible and shall bee while I live, though v totally incapable of ever doing them any service that ght give some reall testimony of it. Though I am crazy l stirr very litle abroad yet the desire I have to see yow l those noble freinds of ours, wold tempt mee to a iourney London, were it not one thing that frights mee, that it ıld vnavoydably engage mee to some other visits to w^{ch} I 'e no great mind, and yet if it please God to continue mee any tolerable condition of health, I may possibly break ough that too. However whither together or apart wee 'e one great comfort towards w^{ch} wee may still turn o^{r} ughts from all y^{e} evils without vs and within vs, that these 's of sin and misery are passing away, and that blest nity is hastning forward, that will perfectly deliver vs n all our greifs and all our fears, and will over-accomplish our hopes. farewell and remember, etc.

For Doctor Gilbert Burnett at London.

[Sealed in black wax.]

Bradhurst, Febr. 22

Sr,—I received yours of y^e^ 2d. of Jan^r^. And I hope I need not say any thing to assure yow that y^e^ oftner yow doo mee that favour y^e^ more yow will oblige mee. I thank yow for y^e^ printed relation yow sent with it, vpon y^e^ reading whereof, if y^e^ like madnes in all ages did not cease y^e^ wonder, a man would bee astonied that so much inhumanity should bee found among men and so much vnchristianity among Christians and that vnder y^e^ colour of zeal for Christianity. but blessed bee hee who hath given vs y^e^ hope of remooving within a few dayes to y^t^ Church on y^e^ other side, where truth and peace dwell together in perfection. what yow and y^r^ worthy lady desire of mee I hope yow will bee both so iust and so charitable as to doe for mee, and then I am sure to bee a gainer by y^e^ bargain. I doubt not of yo^r^ mindfulnes to send y^e^ enclosed I troubl'd yow with in my last, to M. L. P. and intreat yow when you write again, to present my humble service to him of whose vndeserv'd respect and kindness I shall bee deeply sensible while I live. Adieu.

For The very Reverend Doctor Burnett In Lincoln's Innefields.

[Sealed in black wax.]

Bradhurst, March 8

Sr,—I received yours of y^e^ 28^th^ of Febr. and thank yow for it and for y^e^ enclosed paper, for there is both pleasure and profit in those instances of any devout soul landing so fair on y^e^ other side especially of those y^t^ wee have particularly known, and were it not for y^e^ same hope certainly some hearts would break but that very hope that within a while they shall break and so let out y^e^ imprison'd soul to perfect liberty, tempers their earnest longings with patient waiting for y^t^ happy day. Vpon y^e^ notice yow give mee I found a great desire to come to London, but this week I cannot, and whither I may y^e^ next I know not; However I must begg of yow once more to present my humble service to those noble persons, with my most affectionate wishes of their welfare, in all things,

[1] Burnet removed from this house to Brook Buildings in the winter of 1681-2.

but especially in their highest concernment, and w^ch I know they value most I am very sensible, and shall bee while I live of their vndeserv'd respect and kindnes towards mee, since ever I had y^e honour to bee known to them, though I never had, and far lesse can now hope to have any opportunity and ability to doe thē any kind of service. For the appearances of things about vs I know not what to say, but if I can to presse y^e more earnestly my dayly suite, Jehovah shalom, for if hee give quietnes who can make trouble, and if he hide his face who can behold him whither it bee done to a nation or a man onely. Adieu.

S^r,—I intreat yow, back yo^r letters to mee with y^e same simplicity y^t yow see I vse in mine.[1]

[No address or seal now remaining.]

Aug. 16^th

S^R,—Having heard nothing from yow this moneth or two, I can no longer restrain, the desire I have to hear of yo^r own and yo^r ladies welfare from yo^r own hand, though in this intervall I have not ceas'd to enquire after it, but at second hand for fear of troubling yow and have heard of it, by y^e honest widdow's letters to my sister. Nor doe I now by this intend y^e pleasing of my self and renewing vpon yow y^e trouble of more frequent writing then yo^r leasure will permitt, and some particular occasion or yo^r own kindnes does incline yow to. and I am glad that things are at present in so great a still, for remarkable occurrences are comonly rather to y^e worse then y^e better. and though a well composed mind may make some vse of knowing them, when it so fals out, yet there is lesse pain in not knowing them and to very many things that saying holds true τὸ γνῶναι μηδὲν ἐστὶν ἥδιστος βίος, but they are certainly y^e happiest and y^e wisest men that have their hearts y^e most entirely taken vpp with y^t one thing which to know is life eternall. Adieu.

I pray ȳ remember my service to yo^r. worthy Lady. M^rs. Westall was desir'd when shee remoov'd to give yow the

[1] He presumably means that he wishes to drop the honorary appendages of his episcopal office.

notice of her new dwelling, w^ch^ I know shee would not fayle to doe. however this is it. Next door to y^e^ Lamb in Soper lane, at y^e^ end neerest Watling Street.

For The Reverend Doctor Burnett at London.

[Sealed in black.]

Aug. 24.

Sr,—I did not doubt but there were very good reasons for yo^r^ silence these bypast weeks, and did particularly apprehend yo^r^ being taken vpp with y^t^ laudible work w^ch^ I am very glad yow have finisht, so far am I from either blaming or despising it.[1] y^e^ deliverance of our dear freind yow write of drew from mee that word w^ch^ I so frequently sigh out quid hic facio? and y^e^ croud of thoughts stirring within mee makes it impossible for mee to give any further vent to any of them at this time. I heartily thank yow for acquainting mee with y^t^ other Lord's happy exit,[2] for 'tis very instructive and comfortable; as to affares they are all in y^t^ best hand where none of thē can miscarry. of my remembrance of yow and yo^r^ worthy lady I will say nothing but this, y^t^ I dare not presume to bee half so constantly remember'd by yow, and yet have some hope that yo^r^ great charity and humility will suffice to fill vpp y^e^ odds. Adieu.

I have no buisines at London vnlesse it bee to see yow and yet that may very likely draw mee thither some time before winter, if it please God to continue mee in any tolerable condition of health for it.

For The Reverend Doctor Burnett at London.

[Sealed in black.]

Bradhurst, Nov^r^ 9.

Sr,—I know yo^r^ temper and discretion too well to mistake what yow writt in behalf of M^r^ Rushworth and I beleev yow are as farr from mistaking my answer, but if it please God to

[1] Query, the second volume of the *History of the Reformation*? He was occupied upon it during the summer of 1680, and it appeared in 1681.

[2] Query, the death of Burnet's famous penitent, Lord Rochester, who died in June 1680?

give vs another opportunity of meeting I shall then bee able to give yow a fuller account of that buisines, then I can doe at present, or is expedient to trouble yow with at all by writing. for y^e^ news yow send mee concerning my worthles self, I incline to take that report as a happy presage of y^e^ neer approaching truth of y^e^ thing, for I know not what I doe here or to what purpose y^e^ wretched life of so vseles a thing is so long continu'd, but seing it is his good pleasure whose I am, that is reason enough for mee to waite patiently till y^t^ change shall come, and a sufficient counterpoyse to y^e^ many reasons I have to long earnestly for it. of y^e^ affairs of this present scene I had heard little or nothing till I received what yow did mee y^e^ favo^r^ to send mee, and am glad that there are many thoughts stirring in mens minds towards y^e^ tempering of our vnwise and vnhappy differences.[1] I know yow will further that design all yow can, with those yow conuerse with for my self I can contribute nothing to it, but my poor prayers w^ch^ shall not bee wanting. y^e^ God of peace alone can make those counsels effectuall and succesfull to his goodnes I recōmend yow. Adieu.

For the Reverend Doctor Burnett, London.

[Sealed in black.]

Bradhurst, Nov^r^. 12

Sr,—I know yow will not blame mee if I bee somewhat earnestly, though I desire it may bee withall calmly sollicitous for y^t^ poor vnhappy man in whom I have so neer an interest,[2] and will pardon mee that I bind vpon yow the trouble of letting mee know what yow have heard concerning him since I see yow, or shall further hear, if there bee any thing of importance that they are likely to charge him with. And yow need not spare to inform mee both of y^e^ better and y^e^ worse. for I trust through y^e^ help of God I shall entertain all with absolute submission to his good pleasure who orders all,

[1] Query, were these the negotiations between Lord Halifax and the Exclusionists during 1680, in which Burnet was active?—*Life of Halifax*, vol. i. p. 245.

[2] Query, Leighton's brother, Sir Ellis, whose diplomatic malpractices obliged him to evade arrest. He died in hiding, 1685.—*History*, Airy's ed., vol i. pp. 243, 537 note, and *Dict. Nat. Biog.*

most wisely and righteously and to those y^t^ love him mercifully and gratiously. Though I beleev wee shall never clearly vnderstand the true sense of y^e^ many dark passages of humane affairs till wee bee on y^e^ other side, onely this wee know that though clouds and darknes are round about him y^t^ governs them all, yet righteousnes and iudgment are y^e^ habitation of his throne, and y^e^ inner side of y^t^ thick darknes is lin'd with purest and most perfect light, and oh how much reason have wee to long to see it, and to think this dark night very long but withall to bee releev'd with y^e^ assurance y^t^ y^e^ morning is coming forward and y^e^ day will break and then all these shadows will flee away.

For the Reverend Doctor Burnett, London.

[Sealed in black.]

Bradhurst, Dec^r^. 12

Sr,—I received yo^r^ letter and y^e^ book yow sent with it, and must value these courtesies so much y^e^ more, because yow know how totally incapable I am of making yow any return, but that of empty, though very sincere and hearty thanks y^e^ book cannot bee but most welcom, both for y^e^ excellent subiect of it, and y^e^ sutable discourses. And I wish it may bee as vsefull as I am sure it is needfull to one that though grown old is yet a novice and beginner, if hee bee so much, in y^e^ divine life as to y^e^ degrees of reall grouth and progresse in it and having now nothing else in this world neither to do n . . . . . may make y^e^ greater speed for his former slow . . . . . le remainder hee has of day to complete his i . . . . . when I open'd y^e^ enclosed letter I was glad to see y . . . . . from which it came, but in reading it was really sunk vnde[r] y^e^ disproportion'd load of respect and kindnes exprest in i[t], as to y^e^ invitation it gives mee, I will not quarrell with yo[w] for writing any thing y^t^ might occasion it, for I know yo[w] meant it kindly, as yow doe all things to mee, but I belee[v] yow doe remember, then when yow spake of it, though [I] exprest no aversion for that had bin vncivill, yet I wav'd it a[s] a thing very improbable that I should entertein any thought[s]

[1] Manuscript torn here.

altering my lodging, especially to such a distance, when 'tis late in y^e^ evening with mee and I so neer going to bed. ıere is no haste of sending the enclosed, but with yo^r^ next ınow yow will doe mee that favour. | I intreat to know by ine from yow when that gentleman yow write of comes to ındon, or if hee bee already come, and how long stay hee is ely to make there these sharp frosts run mee through but if ere come an intervall of soft and calm weather, I would ther venture to come to see yow and him at London, then at hee should after so long a iourney at this season, bee ubled to come hither, the way being so vntoward and ill to d in sūmer, and much worse now. | of y^e^ story y^t^ is now ıde so publick of a poor freind of mine that yow know,[1] what-ever bee my resentment, I will say nothing but this, Oh that is or any other stop in his way might proov y^e^ occasion to n of a happy turn, and of his escape from y^e^ wrath to come ush for all the honour and dishonour, and all y^e^ better and ırse of this moment. but oh eternity, eternity I will not ubt of y^e^ kindnes of a share in yo^r^ prayers for my vnworthy f but will yow pardon mee to begg y^e^ charity of yow, some-nes to dropp a word of request for y^t^ poor man. it may bee blessing of it may reach him, however yow know it will not yl to return into yo^r^ own bosom.

. . . . . if I should trouble yow with y^e^ remembring of . . .
. thing, as my humble service and best wishes to . . . . . .
. rthy Lady.

. . . . . am much oblig'd to yow for yo^r^ kindnes to my . . .
.[2] poor Thomas.

For The very Reverend Doctor Burnett.

[Sealed in black.]

[Endorsed:—] *Sess.* 22 *c.* 2. *Dist.* 63. *Con Constan.* [*Jo.*?] *etropolitanus Hadrian* 3 *Innocent* 3 or 4.

Bradhurst, Dec^r^ 21.

Sr,—I confesse I am somewhat ashamed to bee still vpon y^e^ ceiving hand with yow yet I will not grudge nor envy yow ingenuous pleasure I beleev yow have in it, but will rather

[1] Sir Ellis.

[2] Manuscript torn here.

bee humbly content, and pleas'd together with yow to have so. but amidst y^e^ many more important and vsefull empl(ments of yo^r^ time it were a great impertinency and iniustice mee to exact or expect of yow y^e^ constant frequency of writi to mee, (though when yow doe yow may bee sure 'tis alw: most welcom) and withall I think a great incongruity fo: poor old Hermite dead and buried to all y^e^ publick affairs a intrigues of y^e^ world to entertein an itch after y^e^ news a occurrences of it, and y^e^ truth is whither I know any thing nothing of them, all I can say or doe to them, is, to cōm them to y^t^ soveraign hand wherein they are, and by w^ch^ I sure they shall bee all order'd to y^e^ best and certainly whit] it bee in an active or vacant life our great buisines lies wit] vs, in y^e^ purifying of our souls from vain opinion and s(conceit and selflove and all y^e^ desires and delights of t world by y^e^ predominant power of divine love, and I kn that this design and y^e^ thoughts of it are yo^r^ great exer(and dayly sweet retreat from all even y^e^ most laudible of ot affairs, and y^e^ best of companies wherein yow are convers and my constant and hearty wishes are for yow and yo^r^ wor] lady as for my self, that yow may bee growing vpwards a making great advances towards that blessed perfection y^t^ is before vs, and I doubt not of yo^r^ returning mee y^e^ like and hopefull y^e^ father of mercies will have a favourable regard vs and grant vs these ioynt and mutuall desires of our hea: Adieu.

For the Reverend Doctor Burnett at London.

[Sealed in black.]

LETTERS AND DOCUMENTS

RELATING TO

ROBERT ERSKINE,

PHYSICIAN TO PETER THE GREAT

CZAR OF RUSSIA

1677-1720

Edited by the

Rev. ROBERT PAUL, F.S.A. Scot.,

Dollar

[redacted]

[redacted]

[redacted]

[redacted]

INTRODUCTION

Robert Erskine, to whom the following letters and other documents relate, was one of those numerous Scotsmen who distinguished themselves in the military, naval, and civil services of Russia in the sixteenth, seventeenth and eighteenth centuries.

It is a remarkable fact, not generally known, that, as in other departments of public service, not a few Englishmen and Scotsmen have played an important part in the past, in the introduction and improvement of the medical arts in Russia, and that among the foreign medical graduates who have from time to time entered the Czar's service, our own countrymen at one period held quite the leading position. One of the earliest of these, Lewis Calderwood, went to Russia in 1728, as surgeon to the famous Preobrajenski Guards, and subsequently held appointments in the Moscow and St. Petersburg hospitals till his death in 1755. Dr. James Mounsey, a native of Lochmaben parish, Dumfriesshire—famous as the introducer of rhubarb as a medicine into this country—settled at St. Petersburg about 1750, and became first physician to the Empress Elizabeth. Dr. John Rogerson, another native of Dumfriesshire, and a graduate of Edinburgh, went to Russia in 1766, and remained there for fifty years, during the most of which period he was Court Physician to the Empress Catherine II. and her successors. Another Scotsman, Robert Simpson, joined the great Admiral Greig's fleet in 1774, and in 1792 became chief surgeon to the large naval hospital at Cronstadt. The celebrated surgeon, Sir James Wylie—a native of Kincardine-

on-Forth—who went to Russia in 1790, occupied the honourable position of head of the Army Medical Department there for a quarter of a century, and was practically the head of the whole profession in the country for that period. He is one of the two Scotsmen to whom monuments have been erected in the Russian capital, the other being Prince Barclay de Tolly, the celebrated general, who, though born in Livonia, came of a pure Scottish stock, the Barclays of Towie or Tolly in Aberdeenshire. In 1804, Sir Alexander Crichton, the second son of Alexander Crichton of Woodhouselee and Newington, was appointed physician in ordinary to the Czar, Alexander I., while his nephew, Sir Archibald William Crichton, afterwards occupied also a prominent position in the medical world in Russia.

But long before these and other Scotsmen had entered on their careers, Erskine had attained to one of the highest medical posts in the rising Muscovite empire, and was among the first, if he was not indeed the first, of Scottish medical men who achieved distinction at its court. He was the scion of a family which more perhaps than any other Scottish house has distinguished itself in many departments of public service, in the Church, the Council, the Senate and the Field, on the Bench, and at the Bar. References to him are of the scantiest description in accessible sources of biographical information, and it is only of recent years, when most of the following papers were found among the Erskine family archives, in the possession of Alexander Erskine-Murray, Esq., late Sheriff-substitute of Lanarkshire, Glasgow —to whom the Scottish History Society is already indebted —that any very certain knowledge of him and his career, scanty as it is, has been obtained.

Robert Erskine was the sixth surviving son of Sir Charles Erskine of Alva, Bart., and his wife, Dame Christian Dundas, second daughter of Sir James Dundas of Arniston. He was the great-grandson of John, seventh Earl of Mar, and Lady

arie Stewart, his second wife, the daughter of Esme, Duke Lennox. He was born at Alva about the beginning of ptember 1677.[1] Of his earlier education nothing is own; but like many others in his social position at the ne, he was probably educated at first by a private tutor at me, and then, being designed for the medical profession, in 92, at the, to us, apparently premature age of fifteen, he s sent to Edinburgh to begin his professional studies.

At that date, the foundations of the great Medical School our metropolitan University had not even been begun to laid, and the only method by which a medical student ıld acquire an initial knowledge of the science and practice his profession was by becoming an apprentice to some ıctitioner who, for a money payment, received him into his ıse and undertook to teach him all that was necessary. bert Erskine accordingly was apprenticed to a certain ıgh Paterson, surgeon-apothecary in Edinburgh, a man parently of some repute in his day, and of whom a fine oil trait, painted probably, like several others there, by the ıous Sir John Medina, adorns the hall of the Royal College Surgeons of Edinburgh.[2]

Erskine's indenture now printed (No. I. p. 392) is an eresting specimen of this kind of curious legal document. is a long printed form, with the names, dates, etc., inserted writing, and is *indented* at the top, *i.e.* to say, notched or in a waving line, so as to correspond with a duplicate— e for each of the contracting parties—in which form such

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His baptism is recorded in the Alva Parish Register on 8th September 7.

From the *Roll of Burgesses and Guild Brethren of the City of Edinburgh*, ppears that Paterson became a burgess in 1686, a qualification required of all became members of the Incorporation of Surgeon Apothecaries, to the lowship of which he was admitted on 24th July 1688. In the Burgess Roll s said to be admitted 'by right of Jon. Kennedy, Apothecar, his maister.' tle is known of him. He married Catherine, daughter of Laurence Oliphant Gask, and left at least two sons.—*Edinburgh Testamentary Register*, 2nd rch 1744; *The Jacobite Lairds of Gask*, by T. L. Kington Oliphant, p. 5.

deeds were usually executed, and from which their technical appellation was derived. His apprenticeship to Hugh Paterson was evidently arranged through his maternal uncle, Dr. Alexander Dundas—who was also a practitioner of note in Edinburgh—and whose name is inserted in his indenture as his 'cautioner' or security. He is referred to in several of his nephew's letters, and probably the latter's medical studies were pursued under his direction and guidance.[1]

Owing to the want of any native medical school, it was then the custom for every Scottish student who wished to acquire a thorough medical education, and to rise to any prominence or proficiency in his profession, to repair to one of the great Continental universities, such as Paris or Leyden, where ample educational facilities were provided for them, and professors of European fame were teachers. From 1694 to 1739 there were no fewer than thirty Scottish students who obtained their M.D. degree from the Continent.

After having 'honestly and faithfully' served his apprenticeship with Hugh Paterson, therefore—as the discharge on the back of his indenture testifies—Robert Erskine immediately proceeded to Paris in the late autumn of 1697, to prosecute his studies there. From the letter which he wrote in December of that year to his mother from there (No. I. p. 395), he seems to have travelled by way of Holland, where he met with Carstares, the celebrated chaplain and confidential adviser of King William III., who was then detained in that country by sickness, and was unable to return to England with his royal patron in November 1697, after the conclusion of peace with France.[2] The time of his arrival *in*

[1] He was the third son of Sir James Dundas of Arniston, by his second marriage with Janet, daughter of Sir Adam Hepburn of Humbie. Admitted a Fellow of the Royal College of Physicians, Edinburgh, in 1695, of which body he became President in 1703. In Douglas's *Baronage*, as well as in the family pedigree preserved at Arniston, he is designated 'Physician to the King.' Died 1732. His will, as 'one of His Majesty's Physicians,' is recorded in the *Edinburgh Testamentary Register*, 22nd April 1732.

[2] *William Carstares*, by R. H. Story, p. 258.

iderable political excitement. The
September 1697) was followed by
d poverty in France, the result of
th England and her allies, and the
by indigent soldiers from the disbanded
cruel persecution of the Huguenots, which
e or less, since the Revocation of the Edict of
1685, was threatening to break out again with
vigour. Yet in the midst of all this unrest and
ng the marriage of Louis the Dauphin's son with the
ghter of Victor Amadeus II., Duke of Savoy, was celebrated
Paris with unexampled splendour. To all of these in-
nts Erskine alludes briefly in his letter to his mother just
tioned, as well as to the ignominious return of the Prince
onti from his unsuccessful attempt to secure the throne of
and, which, when he wrote, was daily expected. How long he
ained in Paris is uncertain; but judging from his expressed
ntion of studying botany there in the ensuing summer, it
probably not less than a year, and it may have been
e. He seems to have taken the degrees of doctor of
osophy and doctor of medicine, but when exactly, and at
t university, is unknown. One authority on Russian
lical affairs[1] says that he studied at Oxford, but of this
e is no evidence. On the roll of the Fellows of the Royal
iety, to which he was elected on the 30th November 1703,
name appears as 'R. Areskyn, M.D.' From the letter
ressed to him from Jamaica in March 1703/4 (No. III.
97), it would appear that on his return to England from
nce, and during his residence in London, he was on terms
intimacy with professional men of some repute, like Dr.
rge Cheyne and the brothers Sherard.[2] In June 1704 he
sail for Russia, doubtless under some influential patronage

Medicine, Past and Present in Russia, by Frank G. Clemow, M.D.; Supplement to *The Lancet*, August 7th, 1897, p. 358.

See notes, p. 398.

and with the prospect of employment in that country. For just before this time, the interest of all Europe had been greatly aroused by the exploits of the Czar Peter, whose celebrated visits to Holland and Britain in the years 1697-98, and his efforts to civilise and reform his semi-barbarous kingdom, were the wonder and admiration of the day.[1] Peter was in Holland, working as a common shipwright at Zaandam, near Amsterdam, when Erskine passed through the Low Countries to Paris in 1697; and at the conclusion of his three months' visit to London in April 1698, with the permission of the English king, he secured the services of nearly five hundred skilled mechanics, seamen, engineers, gunners, and others—among whom were thirty surgeons—who were sent to Russia to instruct his people in their various crafts and sciences. In 1702, moreover, he published an edict, inviting 'all sorts of artificers, workmen, and people using manufactures, and other persons professing trades and sciences,'[2] to come and settle in his dominions, promising them encouragement and support—a promise, by the way, which in many cases was not fulfilled. Of all these facts Erskine would certainly become aware, and they would naturally turn his attention to Russia as a promising field in which to push his fortune. That he carried with him there some recommendation, either to the Czar himself or to some person of influence at his court, and had the prospect of employment there is almost certain. For without such he would not have been accepted at Moscow. It was impossible at that time for a private individual to make his way to the Russian capital and there start practice. To begin with, such was the state of the roads that without an *opasnaia gramota*, or passport, he would probably never reach Moscow, or if by any means he succeeded in doing so,

[1] A brief but vivid account of the political, social, and commercial condition of Russia when Peter came to the throne will be found in Macaulay's *History*, v. 71-73.

[2] Mottley's *History of the Life of Peter I., Emperor of Russia*, 2nd edition, 1740, i. 148.

he would likely have been arrested and conducted back to the frontier. On the other hand, those who came with proper credentials were treated with every consideration, and, as will appear, this was the case with Erskine.

He evidently travelled by sea to Archangel, then the only seaport in the Muscovite dominions, and thence a long overland journey to Moscow—a distance of over six hundred miles—would have to be undertaken, either on horseback or in carriages. On his arrival there, or very soon thereafter, he must have been received into the Czar's service. For, thirteen years afterwards, in a communication made by Peter to King William III. in March 1717—to be afterwards noticed—he mentions that Erskine had been that length of time in his service. Dr. Clemow says that he was at first physician to Prince Menschikoff, and that it was he that recommended him to the emperor.[1]

At this period Peter the Great, in pursuance of his settled determination to reform his country, was busily engaged in seeking to improve the service and practice of medicine, as he had already done in the case of the other arts and sciences. During the first seventeen years of his reign no fewer than eleven doctors, eighty-seven surgeons, one eye-doctor, and nine apothecaries, from foreign countries arrived in Russia. Each of the various departments of government there in the seventeenth century was known as a *Prikaz*, a word which, as it was then employed, is now obsolete, but which may be translated *Ministry*. Among the various Ministries, not the least important appears to have been the *Aptekarski Prikaz* or Ministry of Affairs relating to Medicine. The exact date of its institution is unknown, but some authorities ascribe it to the end of the sixteenth century. It seems to have been a development of another institution, the *Apteka*, which was at first merely the central store for the distribution of drugs to persons about the court of Moscow, and which was

[1] *Medicine, Past and Present in Russia*, p. 358.

founded about 1581 by James Frencham, one of the numerous English apothecaries who entered the service of the Czar Ivan IV. ('the Terrible'). A new and spacious building in which the business of the *Aptekarski Prikaz* was carried on was built by Peter in Moscow in 1707.[1] At the same time he established there a public hospital and medical school—the first in Russia—and by these two institutions were laid the foundations of the present central medical authority in Russia, the Medical Department of the Ministry of the Interior. The *Aptekarski Prikaz* was removed in 1712 to St. Petersburg, the Czar's new capital on the Neva, and in 1714 its name was altered to that of the Medical Chancellery. Its chief official was denominated the *Archiator*—reviving an old Roman title first given by Nero to his Imperial body physician. Dr. Erskine was the first to be appointed to this post, with an annual salary of fifteen hundred ducats,[2] and he continued to fill it with credit to himself and great advantage to the Czar and his resources,[3] till his death. He had already been appointed, some time before, chief physician to the emperor, and after the removal of the Chancellery to St. Petersburg, his residence was in that city. It is affirmed by Dr. Clemow that he 'apparently scarcely knew of the existence of the new medical school and hospital in Moscow,' and that 'neither he nor his successors ever visited it.'[4] This, however, is evidently a mistake, judging from some of the documents now printed—his own letter to his brother, written in February 1710 (No. V. p. 400), and that addressed to him in May of that year by Jeremiah Sambrooke from

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[1] A description of this building will be found in Mottley, i. 214-15.

[2] £700 sterling.

[3] 'Amongst other obligations Russia owes this physician, it was he that put the great Imperial Dispensary in the excellent order it is at present: it furnishes the armies and fleets and the whole empire with drugs, and makes a great addition to the Czar's revenues.'—Gordon's *History of Peter the Great*, iii. 171.

[4] *Medicine, Past and Present in Russia*, p. 355.

ondon (No. VI. p. 401), to whom he had given a power of
:torney to act as his agent, on the occasion of his departure
om England in 1704.

For a long time Erskine's intercourse with his relations
ıd friends in Britain was of the most irregular and inter-
ıittent nature, owing partly to the difficulties and uncer-
ıinties of postal communication, and partly to his engrossing
ıties at the Russian court, and his close attendance on his
ıaster, the Czar, on the occasion of his frequent journeys.
'et from one of his letters to his brother, Sir John, dated
om Moscow in February 1710 (No. V. p. 400), he seems
ıce at least to have met the latter in France about this
me; and while he professes contentment with his lot and
osition in Russia, he was yet in hope that on peace being
eclared between that country and Sweden, he might have
ave of absence to visit his native land—a hope that was
ever realised.

His place at Peter's court, however, was evidently well
nown by his friends in this country to be one of honour and
ıfluence, and they did not hesitate to request his good offices
ı behalf of acquaintances who were going to Russia (No. V.
. 400, and No. VII. p. 403). But at length, when several
ears had elapsed without any intelligence of him reaching
ıem, in 1714 they sought, through the Earl of Mar, their
:lative, to obtain tidings of him by means of a correspondent
f his in St. Petersburg; inquiries of whom by his lordship
:sulted in the latter's reception of the two letters addressed
› him by a certain George Mackenzie,[1] as well as one from
)r. Erskine himself (Nos. IX., X., XI., pp. 404-412), in all
f which his continued welfare and prosperity are declared,
ıd apologies offered for his long silence.

During his whole life in Russia there can be no doubt that
:rskine was high in the esteem of his Imperial patron, and
ıat he was treated by him with every mark of confidence

[1] See note, p. 404.

and regard. There is a tradition in his family that the Czar employed him not only in a purely professional capacity, but also in the diplomatic service. There yet remains in the possession of one of its representatives a portion of a set of richly embroidered crimson silk tent hangings, given him, it is said, by one of the Tartar princes with whom he was sent to treat.[1] Possibly they were presented to him by the Ambassador of Mehemet Bahadir, the Khan of Khiva, the ruler of the Usbeck Tartars, who paid a visit to St. Petersburg in May 1714, to solicit Peter's protection and support, bringing with him as a present to the Czar great quantities of silks and furs, and Chinese and Persian goods.[2]

In his capacity as court physician, Erskine travelled constantly with the Czar on the occasions of his numerous expeditions. In 1716 he accompanied Peter and his consort Catherine, on their extended tour through Denmark, Germany, Holland, and France. They left St. Petersburg on the 6th of February, and, travelling by way of Riga, Libau, and Memel, arrived at Dantzic on the 29th of that month, where they remained for a period of three months. It was while there that Peter, by the charter printed at p. 413 (No. XIV.), conferred upon Dr. Erskine the distinction of Counsellor of State, a high rank in the Russian civil service, which conferred the title of Excellency, and hereditary nobility; at the same time confirming him in his appointment as Court Physician and Archiator of the Imperial Dispensary. On the 19th of April, the marriage of the Czar's niece, the Princess Catherine, the eldest daughter of his brother, the

[1] 'Another Scotsman of the same name [Erskine], who represented Russia in some of her Eastern negotiations, and had vast influence at the Court of the Czar, has left still scantier traces in accessible sources of biographical information. He belonged to the family of Erskine of Alva, in Clackmannanshire, a fact which I discovered one day by noticing the extreme richness of the crimson silk window-curtains in the drawing-room of one of his descendants. These were the hangings of a tent given him by one of the Tartar princes with whom it was his function to treat.'—Burton's *Scot Abroad*, p. 379.

[2] Mottley, ii. 175.

Czar John Alexowitz, with Charles Leopold, Duke of Mecklenburg-Schwerin, was celebrated at Dantzic with great pomp and splendour, and this distinction bestowed on his physician may have been among the honours conferred in connection with this event. The charter is dated the 30th April, the day after a magnificent entertainment and ball given by the King of Poland on the occasion of the marriage, at which he was present, and on the very day on which Peter left for Königsberg to review a fleet of forty-five of his galleys. The Czar left Dantzic at the beginning of May; and visiting in succession Stralsund, Mecklenburg, Hamburg and Pyrmont, reached Rostock on the 14th of July, and taking command of the galleys, which had arrived there to meet him, sailed to Copenhagen on a visit to his ally, the King of Denmark, which he reached on the 17th, and where he was joined by the Czarina Catherine on the 23rd.

It was during the three months' stay of the Russian Court at Copenhagen, that Dr. Erskine's interest and help were solicited by his friends in Scotland in connection with the affairs of his elder brother, Sir John Erskine of Alva. The latter was deeply implicated in the Jacobite rising of 1715, under his relative the Earl of Mar, and was included in the attainders and forfeitures which passed upon those who took part in that attempt. About the middle of January 1716, when bringing money and arms for the rebels from France, Sir John was shipwrecked near St. Andrews, though he himself and the crew of the vessel were saved.[1] Notwithstanding this, however, very soon thereafter—on the 2nd February 1716—he was sent by the Chevalier St. George ('the old Pretender'), and the Earl of Mar, to France with despatches to the Duke of Orleans, the Regent of France, to the Pretender's wife, and to the Earl of Bolingbroke, his secretary.[2] A fragment of a

[1] *Calendar of the State Papers at Windsor*; *Historical MSS. Commission Report*, 1902, pp. 486, 490, 494.

[2] *Historical MSS. Commission 4th Report*, 1874, Appendix, p. 525.

journal which he kept on this occasion is still extant among the Erskine family papers, and from it we learn that he set sail from Montrose on the 3rd of February at midnight—the very day before the Pretender himself secretly embarked for France from the same port—and reached St. Germains on the 9th. Sir John remained in France for several months, sometimes apparently, like many of the Jacobite fugitives, in considerable straits for means,[1] till in July (1716), he was sent by the Pretender with a letter to Charles XII., King of Sweden, proposing an alliance between the latter and the Jacobites. In this letter the Chevalier prays his Majesty to give him a favourable reception and deliberately to consider the propositions which he made, in which Sir John's interest was so intimately united with his own.

Meanwhile, Sir John Erskine's friends in Scotland had projected a plan by which he might be pardoned and restored to his estates. Several years before, he had discovered what appeared to be a valuable silver mine on his property at Alva, from which he had procured a considerable quantity of the metal.[2] On his joining in the Rebellion, one of the persons whom he had employed in the enterprise, returning to London, had informed the government of the find, and his friends had approached them and secured a promise of Sir John's pardon, provided he agreed to discover fully the situation of the mine, which, under a very old Act of Parliament, dated 1592, reserving a tenth of all the ore found in Scotland for the Crown, might yield a considerable revenue to the public treasury. The letter printed at p. 414, (No. XIII.) refers to this project. It is unsigned and unaddressed, but is evidently from some intimate friend of the family. The next letter (No. XIV. p. 414), from Patrick Campbell of Monzie, to Dr. Robert Erskine, his brother-in-law, gives a more detailed account of the efforts made by Sir John's friends on his behalf. It refers to the despatch of

[1] *Historical MSS. Commission 4th Report*, p. 526. [2] See note, p. 417.

Sir Henry Stirling of Ardoch—Sir John's and Dr. Erskine's nephew—on a mission to find the former on the Continent, and asks the latter to second his efforts to induce his brother to consent to the proposal made. Dr. Erskine was already in communication with Sir John, who was then probably on his return to Paris from the headquarters of the King of Sweden in Norway, and had written to him from Copenhagen on 1st September 1716, to come to him there *incognito* (No. XV. p. 417), when Sir Henry Stirling arrived at the Danish capital. In his letter to Sir John from that city, of date 22nd September (No. XVI. p. 418), Stirling briefly refers to his meeting with Dr. Erskine, and to the esteem in which he was held by the Russian monarch. There seems to be little doubt that Sir Henry Stirling's mission to the Continent had other objects than that of merely persuading Sir John Erskine to come to terms about his silver mine with the British Government; and that judging from the part which he subsequently played, he was really a Jacobite agent, though not perhaps with the direct cognisance of Sir John's friends in Scotland. There can be no doubt, at all events, that the intercourse which Dr. Erskine had at this time with these correspondents was one of the chief reasons for the charges which were shortly afterwards brought against him, of being himself a party to the Jacobite plot then being planned.

Leaving Copenhagen with the Czar on 23rd October 1716, Erskine accompanied him in his visits to Lübeck, Havelberg, Hamburg, and Amsterdam, arriving at the last mentioned place on the 17th December (No. XX. p. 424). Here he remained till the following spring, when the Russian Emperor and his suite proceeded to the Hague. And it was during his stay there that the serious charges to which reference has been made were preferred against his physician. The arch-intriguer Gortz, the chief minister of Charles XII. of Sweden, was at this time acting as Swedish ambassador at the Hague,

and he had concocted a grand plan, which was to reconcile Peter and Charles, drive George I. from the throne of England, and set the Pretender upon it.[1] In pursuance of this, he had communicated with Baron Spaar, the Swedish minister in Paris, and Count Gyllenborg, who filled the same post in London. The plot, however, was discovered by intercepted letters of Gyllenborg and Gortz, both of whom, as well as their papers, were seized, about the end of January $17\frac{16}{17}$, the one in London, and the other at Arnheim by the States General, at the instance of the British Government, and both were kept in confinement for nearly six months. Their correspondence was laid before the British Parliament, and published by authority. Some of the letters —especially one, dated 17th November 1716, from Gyllenborg's son at the Hague to his father in London—referred to the Czar and the expectations of the conspirators that he might be induced to join in their plans, and made repeated allusions to his chief physician, Erskine, as a likely and suitable intermediary by whom he might be won over (No. XVII., pp. 419-422).

When intelligence of this affair reached Peter, during his residence at the Hague, he immediately wrote to Stanhope, the British Secretary of State, strenuously denying all knowledge and complicity in the plot of the Swedish ministers. He declared that his physician, upon oath, repudiated the imputations made against him, and asserted his innocence (No. XVIII., p. 422). In the reply which the English minister made to this communication, he says that notwithstanding the strong presumptions that existed against Erskine, King George was willing to waive the question of his complicity in the plot (No. XIX., p. 423).

With regard to Dr. Erskine's conduct in this business, it is exceedingly difficult to come to any certain determination.

[1] *The Jacobite Attempt of 1719*, Scottish History Society, 1895, Introduction p. xxii.

Any positive proof of his actual complicity in the plot is wanting indeed. And yet, upon a careful consideration of all the available sources of information upon this subject, it is difficult to avoid coming to the conclusion, notwithstanding the Czar's vehement disclaimers and Erskine's own strenuous denial, that they were not wholly innocent in the matter. The letters now published make it plain that the latter was in correspondence with Jacobite agents, and there can be as little doubt that, in the main, he sympathised with their aims and efforts, while the truth of the statement of the Czar in his communication to Stanhope, that he never employed him except in the way of his profession, is, to say the least of it, of very doubtful credibility. This is the view that was generally taken at the time by those who were conversant with the story,[1] and it has been adopted by more than one recent writer on Russian history.[2]

[1] 'This discontent of the Czar [with his allies] was perhaps what prevented the utter ruin of the King of Sweden, and was now likely to reconcile him to his most powerful enemy, if Baron Gortz's project had taken effect. The first step to which was by the means of Doctor Areskine, the Czar's physician, to sound Prince Menzikoff, who was charmed with the design, and soon brought the Czar into it, as was reported; but we shall see presently how desirous he was to clear himself of any such imputations.'—Mottley, ii. 218. 'The doctor was supposed in the latter years of his life to have kept a correspondence with the Chevalier de St. George's agents; whatever be of that, he was an agreeable, open-hearted, fine gentleman.'—*History of Peter the Great*, by Alexander Gordon of Achintoul, 1755, ii. 170-71.

[2] 'You know the councillor Erskine better than I do. I think that he is very desirous of meddling in everything and that he is shut out everywhere.'—Letter from M. de Libry, a gentleman of the King's Household, sent to Dunkirk to meet the Czar in 1717, on his way to Paris, quoted in *Peter the Great, Emperor of Russia*, by Eugene Schuyler, 1884, ii. 387. 'Several Jacobites had come to Russia, and had found service there, owing to the friendly interference of Erskine, the Tsar's physician. They found opportunity to talk of the Pretender's cause, and Erskine himself naturally had an influence upon the Tsar in embittering him against King George. Sinclair, who had come with a mission from the Pretender, obtained through Erskine permission to accompany the Tsar on his cruise to Abo in the autumn of 1718, when he doubtless was able to state his master's case.'—*Ibid.* 519. 'Peter was delighted and wrote to Apraxin, "Have I not been right in always drinking to the health of the Swede? One could not have bought at a price what he himself has done." This pleasure was, however, dashed by the discovery that Gyllenborg's papers seemed to implicate

But whatever suspicions may have attached to him, the Czar continued to regard and treat him with unabated confidence, and took him with him on the occasion of his celebrated visit to Paris, where he arrived on the 7th May 1717. Among the sights which engaged the attention of Peter in the French capital, and in which he took the deepest interest, was an operation for cataract, performed in his presence, on a man fifty-six years of age, who had been blind ever since the battle of Blenheim in 1704. It is generally stated that the operation was performed by a Mr. Wallace, an Englishman; but a recent writer on medicine in Russia affirms that Erskine was the operator.[1] On the 19th June the Czar paid a visit to the French Academy, 'where the members entertained him with whatever they had that was curious or new in machines or experiments, and his majesty was so much delighted with them that he afterwards, when he returned to Petersburgh, caused Dr. Areskine, his physician, to write a letter to the Abbot Bignon, their president, desiring to be admitted a member of their Society, to which they returned an answer, with thanks for the honour he did them, and received another letter from him, wrote with his own hand.'[2] At Amsterdam, to which he returned from Paris, Peter purchased several cabinets of great value, amongst others that of animals and insects of Albertus Seba, and the famous anatomical museum of Professor Ruysch for 30,000 gulden.[3] Both of these purchases were negotiated through his physician, Erskine, with the vendors of which he had had previous dealings.[4]

Dr. Erskine returned with the Russian Emperor to St. Peters-

in the plot Erskine the Tsar's physician, and it was suggested that Peter was also privy to it.'—*Peter the Great*, by Oscar Browning, 1898, p. 308.

[1] *Medicine Past and Present in Russia*, p. 358.

[2] Mottley, ii. 244.

[3] £3000 sterling.

[4] See Letter No. XV. p. 417. 'Ruysch wanted 50,000 gulden for the secret of his mode of preparing anatomical specimens, and refused to tell it to Erskine for less.'—*Medicine Past and Present in Russia*, p. 356, note.

burg in October 1717. During the following year his health became seriously impaired, and he went for medical treatment to a place Koucheserski, in the province or government of Olonetz, about a hundred and eighty miles north-east of St. Petersburg, where there were mineral baths and wells. It is situated at the north end of the small lake of Kouch, near the western shore of Lake Onega, and in the midst of one of the chief mining districts of the country. At it there were then what were said to be the most extensive iron and copper smelting works in Russia, an industry which, to some extent, is still carried on there.[1] And there, in a residence which the Czar had built for himself when he went to drink the waters, as he occasionally did, Dr. Erskine died towards the end of December 1718, at the comparatively early age of forty-one. As a token of the regard which Peter had for him, his body was brought to the capital, and was buried with great funeral pomp in the churchyard of the splendid Alexander Newski Monastery—then recently erected—seven versts from St. Petersburg, on the 4th January 1719, the Czar himself following in the procession, and, according to the custom of the country, carrying a lighted torch in his hand, as did two hundred other mourners.[2]

Unlike many of the other foreigners employed from time to time in the Czar's service, who had great difficulty in getting payment of the salaries and allowances promised them when they were first engaged,[3] Erskine seems all along to have been liberally and handsomely treated by his Imperial master. From the letter of his London agent, Sambrooke

[1] Semenoff's *Geographical-Statistical Lexicon of the Russian Empire*, 1865, vol ii.

[2] Mottley, iii. 134; Gordon's *History of Peter the Great*, ii. 171. After careful search made by the authorities of the Monastery, at the request of J. Michell, Esq., H.B.M. Consul-General at St. Petersburg,—whose courtesy I should like to acknowledge here,—it appears that no record of Dr. Erskine's death occurs in its archives, nor is any trace of his grave to be found in the cemetery attached to it.

[3] Mottley, i. 107-114.

(No. VI. p. 401), it would appear that, in addition to his official professional duties, he engaged in certain commercial speculations, for the successful prosecution of which his position probably afforded him special facilities. As his will therefore indicates (No. XXI. p. 425), he died possessed of considerable property. This document, which is still preserved among the Russian Imperial archives, bears unmistakable evidence of having been submitted to the Czar after his death, for it bears on the margin brief notes in Peter's own handwriting, confirming those clauses in it of which he specially approved—a testimony to the autocracy of the Russian monarch.

The four letters which follow (Nos. XXII. to XXV. pp. 427-430) consist of two written by Sir John Erskine of Alva to his mother Lady Christian Erskine: one of them a letter of condolence on his brother's death, and another with reference to the securing of the doctor's legacies; one from Patrick Campbell of Monzie to his brother-in-law Sir John; and one from Sir Henry Stirling from St. Petersburg in August 1720, both relating to the same subject. After his mission to the Continent in 1716 to negotiate with Sir John Erskine about his pardon, Stirling remained in Russia, and undoubtedly acted there as a Jacobite agent. In 1717 he accompanied the Duke of Ormonde in his abortive mission to the north to arrange for a marriage between the Pretender and one of the daughters or nieces of the Czar, and to unite the latter and the King of Sweden against the British King.[1] In 1726 he married Anna, the daughter of Admiral Thomas Gordon, a Scotsman in the Russian naval service, and he continued to reside almost constantly at St. Petersburg till his father-in-law's death in 1741, when he returned to Scotland.[2]

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[1] Mottley, iii. 187; *The Jacobite Attempt of 1719*, Scottish History Society, Introduction, p. xxiii.

[2] *Scottish Notes and Queries*, second series, i. 111; *The Stirlings of Keir*, by Sir William Fraser.

After considerable delay, the efforts of Dr. Erskine's iends to secure the effects left them in his will must have :en at least partially successful. For in the manuscript :count-book of the household expenses of Lady Christian rskine, in my possession, there is an entry, under date 1724, ' 'the legacies I got of dear son Roberts, which in al :tended to 1478 pund Scots.'[1] And in addition to the imson silk tent-hangings already mentioned, there is still in ıe possession of Mr. Erskine-Murray a valuable gold snuff-)x, presented to the Scottish physician by his royal patron, ith this inscription :—

Presented
By
PETER 1ST CZAR OF RUSSIA,
To
His First Physician,
DR. ROBERT ARESKINE,
At the Hague
A.D. 1716.

I must here record my thanks to my relative, Mr. Erskine- lurray, for kindly putting Dr. Erskine's papers at my sposal for publication here, and to several gentlemen who ıve assisted me in drawing up this brief account of his reer, notably to Dr. F. G. Clemow, formerly Physician to ıe British Seamen's Hospital at Cronstadt, and now Physician) the British Embassy at Constantinople; and to Professor /. R. Morfill of Oxford for supplying me with a reliable anslation of Erskine's will. R. P.

DOLLAR, *October*, 1903.

[1] £123, 3s. 4d. sterling.

ERSKINE PAPERS

I

INDENTURES betuixt HUGH PATERSON and ROBERT ARESKINE,[1] 1692

THIR INDENTURES made At Edinburgh, the eliventh day of November Jaj vjc and ninety tuo years[2] In themselves proports leill, and suith fast witnessing: That it is appointed, agreed, and finally ended Betwixt Hugh Paterson, Chirurgeon Apothecary, burges of the said burgh[3] On the one part, And Robert Arsekine sone to Vmq[ll] Sir Charles Areskin of Alva, With the special advice, and consent of Alexander Dundass, Doctor of medicine,[4] As Cautioner, Sovertie, and full Debitor for, and with him, for fulfilling of his part of the Indentures underwritten. And als the said Doctor Alexander Dundass for himselfe and taking burden in and upon him for the said Robert Areskine. And they both with one advice, consent and assent On the other part, In manner, form, and effect as after follows. THAT IS TO SAY, The said Robert Areskine be the Tenour hereof, becomes bound Prentice and Servant to the said Hugh Paterson In his Arts, and Calling of Chirurgery, and Pharmacie, for all the dayes, space, years, and termes of ffive years, next and immediatly following his entry thereto, which shallbe and begin (God willing) at the day and date hereof. DURING the which space, the said Robert Areskine

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[1] This way of spelling the old name of Erskine began to prevail about 1625. It was the form invariably used by Robert Erskine and his brothers Sir John and Charles, afterwards Lord Justice-Clerk. Their immediate descendants, however, reverted again to the older form.

[2] *i.e.* MDCXCII.

[3] See Introduction p. 375 *n.*

[4] See Introduction p. 376 *n.*

binds and oblidges him, to serve the said Hugh Paterson his said Master leilly and truly, by night, and by day, holy day, and work day, in all things Godly and Honest. And shall not hear of his said Master's skaith at any time, by day or night, during the space foresaid, but shall reveale the same to him, and hinder it to his power: And that he shall not reveale his Master's secrets in his Arts, nor the secret diseases of his Patients, to any Person whatsoever; Nor shall have any Patients of his own under cure, upon any pretext whatsoever: Nor shall be absent himself from his said Master's service, at any time during the space foresaid, without his Master's special licence, had, and obtained of him for that effect. And that he shall not commit the filthy crimes of Fornication or Adultery, nor play at any Games whatsoever; and that he shall not be drunk, nor Night-walker, nor an haunter of debaucht, or idle Company, nor go to Ale-houses nor Taverns, to tipple, or drink with any Company whatsoever: And that he shall not disobey his Master's orders, pretending he is elder or younger Prentice, or upon any other pretence whatsoever: And that he keep his ordinar Diets, at Bed and Board: unless he be withdrawn in his Master's necessary affairs, and Imployments, and no otherwayes: And shall not misbehave himself be word, or deed, or any other manner of way. AND IF IT SHALL HAPEN the said Robert Areskine to commit or omit any thing contrary to the Premises, IN THAT CASE, It is hereby declared, that the said Robert Areskine shall lose his Prentice-Fee, and be extruded be his said Master forth of his Service, and shall lose all the Liberties, and Priviledges of his indentures, and that the same Indentures shall become void, and null, to him for his part thereof, *ipso facto*, and that without any farther process, or declaratour of Law. AND FARTHER, the [said] Robert Areskine as Principal, and the said Doctor Alexander Dundass As Cautioner, binds and oblidges them, conjunctlie and severallie, their Heirs and Executors, To make up, and repair, all the loss, skaith, and damage, the said Hugh Paterson shall sustain by the said Robert Areskin his negligence, disobedience, absence, or any other enormitie whatsoever. LIKEAS the said Robert Areskine binds and oblidges him, and his foresaids, To warrand, free, releive, and skaithless

keep the said Doctor Alexander Dundass his said Cautioner of his Cautionrie foresaid, and of all coast, skaith, damage, interest and expences, he shal happen to sustain, or incurre therethrough, in any sort. For the which causes, And for a certain sum of Money, advanced, payed, and delivered be Dam Christian Dundass Lady Alva, In name of Prentice-Fee with the said Robert Areskine her sone, To the said Hugh Patersone, Whereof he grants the Receipt, and therewith holds him well contented, satisfied and payed, and discharges them thereof for ever. Therefore the said Hugh Paterson binds, and oblidges him, to teach and instruct, the said Robert Areskine his said Prentice in the saids Arts of Chirurgerie, and Pharmacie, and shall not hide nor conceale any thing of the same from him: And shall entertain the said Robert Areskine his said Prentice sufficiently at Bed and Board, during the whole space foresaid, the said Robert Areskine or his said Cautioner, alwayes furnishing and maintaining him, in the Apparel of his Bodie, in Linnens, and Woolens, decently, and as becometh such a Prentice. Likeas, the said Hugh Patersone binds, and oblidges him, to Book the said Robert Areskine his said Prentice, as Prentice, in the Books of the Dean of Gild of Edinburgh, and in the Books of the Incorporation of the Chirurgions of the said Burgh, upon the said Prentice his own proper charges and expences, and that so soon as conveniently he may doe the same under the pains contained in the several Acts made thereanent. And for the more security, Both Parties are content, and consents, thir presents be insert, and registrate, in the Books of Council and Session, or in any other Judges Court books compent, within this Kingdom; To have the strength of a Decreet interponed thereto, That Letters, and Executorials of Horning, upon a simple charge of six dayes only, and others needful, may pass thereupon, in form as effeirs: And for that effect constitutes

Their Procurators, etc. In Witness whereof, both Parties have subscribed thir presents, with their hands, day, moneth, year of God, and place respective foresaids, Before thir Witnesses, John Areskine Sone to the said umq^{ll} Sir Charles Areskine, Mr. Andrew Brown, preacher of the gospell, and M^{r}. Patrick Mowbray, Clerk to the said Incorporation of

the Chirurgions of Ed^r^, Insertit of the date parties and witnesses names.

Jo. Areskine, *witness.* Hugh Paterson.
A. Browne, *witness.* Robert Areskine.
P. Mowbray, *witness.* Alexr. Dundas, *Cautioner.*

[*Endorsed on the back:*]

I Hugh Paterson within designed doe by these presents confess and acknowledge that the within named Robert Areskine my prentice hes served honestly and faithfully during the haill space of thir within written Indentures and yrfore I be thir presents exoners quytclaimes and singlr discharges the said Robert Areskine, and als ye withinnamed Alex^r^ Dundass, Doctor of Medicine, his Cau^r^ withinnamed y^r^ aires and exe^rs^, and all others whom it effeirs, of the saids Indentures haill terms and contents y^r^ of force strength and effect of the same with all that hes followed or may follow yrupon for now and ever, and binds and obleisses me to warrand thir presents at all hands and against all deadly as Law will, In witness qrof I have subscribed thir presents (written be Mr. Patrick Mowbray within designed) with my hand, Att Edinburgh the fourteenth day of June Jaj vjc and ninetie-eight years,[1] Before thir witnesses, Wm. ffrazer, my servitor, and the s^d^ Mr. Patrick Mowbray.

Will: ffraser, *wittness.* Hugh Paterson.
P. Mowbray, *witness.*

II

Robert Erskine to Lady Christian Erskine, his mother

Madam,—The last time I wrote from this place was ane answer to Doctor Dundasse, w^ch^ was the only letter I receav'd since I came from Scotland befor that I had wrote upwards of a dozen of letters, the most part of w^ch^ was for yo^r^ Lap., some I sent by Flanders, others by holland, but it seems they have all miscarry'd. I was expecting dayly that the pacquett boat should have been establish'd, and so I would be sure that they

[1] *i.e.* MDCXCVIII.

would not miscarry, but it being so long in doing, I have try'd this way by Holland once more, if there is any of my letters hath come to your hands (unlesse that by Mr. Carstairs[1] for the money) they will give you ane account of my leaving flanders and my Journey here, and in my last to Do^r^ Dundasse I gave him ane acount what I was employing my selfe in here, w^ch^ is anatomy and Surgery, and chimy, and in the summer I expect bottany, and I may freely say without vanity that I have mispent no time since I came here in acquiring that w^ch^ belongs to my imployment, neither shall I (if it please God) ommitt any occasione, since every thing I have is so dear in this place, and y^r^ being so many surgeons bred by this war I beleives ane that hath not something extraordinare will not gain his bread by it, The generale peace[2] was declar'd here about 3 weeks ago, w^th^ all seeming Joy, but I fear it will be but litle peace to the poor protestants here, for the old acts are renew'd again, and guards are doubled to hinder their meetings, so severalls with whom I spoke are terribly affray'd of a new persecutione, w^ch^ is alledged that it is upon the account of the Irish papists, of w^ch^ there are incredible numbers begging in this place, and are all at the poynt of starveing, for the french generally all of them are in the same conditione, and yet for all this poverty at the Marriage of the Duke of Savoys daughter with the Dolphins son[3] (w^ch^ was one Sunday last) there was the greatest riches, and every thing the most magnificent, that ever was seen in any court in the world, there is a great many people come from the army, so that no body can walke safly on the streets at night, there is a great many news here but no body can beleive them, every day the Prince of Contie's[4] returne from Polland is expected w^ch^ enradges

[1] Rev. William Carestares, chaplain to William III., afterwards Principal of Edinburgh University.

[2] Peace of Ryswick, concluded 20th Sept. 1697.

[3] Louis, Duke of Burgundy. Died 1712. The son of this marriage became Louis XV. in 1715.

[4] François Louis, Prince de la Roche-sur-Yon et de Conti. On the death of John Sobieski in 1696, he was legally elected and proclaimed King of Poland; but Augustus II. of Saxony, supported by Austria, succeeded in obtaining the throne. Conti proceeded with a squadron of French men-of-war to the Baltic to enforce his rights, but the expedition proved abortive.

the French extreamly, seeing they depurs'd so much money in vaine, there is no word of their taxes (w^ch^ are very heavy) being releiv'd w^ch^ makes every thing of ane extravagante rate, their is no Pensionne can be had here under five hundred lib. w^ch^ ordinarly befor was but the halfe of it but I shall say no more, least this miscarry as the rest have done, but w^n^ the pacquett boat is establish'd, and I hear from your Lap. and all my freinds (w^ch^ I long extraordinarly for seeing I have gott no account since I came from Scotland, only that of my uncle the Doc^r^) I shall give a more particular account of every thing here, so untill that time, I shall only add that I am, Madam, your Laps. most obedient and affectionate son and humble serv^t^,

R^T^. Areskine.

Paris, Dec^r^ $\frac{2}{12}$ 1697.

Please to direct yours to me a R. A. chez Mademoiselle Vintry dans L'hostell S^t^ Louis vis a vis les Jesuits pour faire tenir a M^r^ Gregorie, Rue S^t^ Jacque, Paris.

III

Archibald Stewart to Dr. Robert Erskine

At her Maj^ties^ Hospital, Jamaica,
March 5, 170$\frac{3}{4}$.

Sir,—I have write ye twice since my arrival here but had no answer, in my last I told you that I had prevail'd with your brother[1] to return to me and that I believ'd he had taken his passage aboard some of the ships under Capt. Wavel's Convoy, for so he told me at parting, but since, I understand he made a voyage to the Bay of Campeachy along with Capt. Glenn And we are now informed that the sloop was oversett at sea and that every man perish'd the accompt is so much depended upon that the Capt^ns^ wife and several others have gone in mourning cloaths for theire Husbands. What put it in his

[1] This must have been Erskine's youngest brother Henry, a young man of twenty-one (born May 1682), of whom no subsequent trace is to be found. The supposition that he perished under the circumstances detailed above is, therefore, probably correct.

head to go thither I don't know for at parting he solemnly protested to me that he would go home in the fleet and he bid me if I did not see him againe beleive that he skulk'd aboard some of the merchant ships untill the fleet shou'd saile for fear of being pressed aboard some of her Maj^ties^ ships. I shall be very fond of a letter from you and will expect it when ane answer to this falls due. Pray let me know what further accompt you have of D^r^ Sherard[1] and when you write to him give my humble service to him. I am preparing some specimens for him which I hope will please him. I give my service to his brother[2] and do intend next packet boate to trouble him with a letter. I suppose you frequently see D^r^ Cheyne[3] and I should be very glad to heare from him. I think he is a letter in my debt, pray give him my service. I want very much to know what improvements physick has receav'd in Europ these two years past and should be glade you'd give me some hint of it. We have had a raging intermitting feaver amongst us last summer sometimes with agueish fits and sometimes without them. But when duly minded has been infallibly cured by the Cortex peruano. After the feaver was gone they often fell into Diarrhœa's and then the Ipecacuana plaide its part, but I never found it so successful in dysenteries. Dropsies are hard to be dealt with and ulcers under the knees very stubborn. These are what are most common amongst us, Wishing you prosperity I remaine, Sir, your most humble serv^t^

ARCHBALD STEWART.

[*Addressed on the back:*]

To D^r^ Robert Areskine at the Maidens heade in the Poultry, London.

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[1] William Sherard, son of George Sherard of Bushby, Leicestershire, born 1659, graduated B.C.L. at St. John's College, Oxford, 1683, and D.C.L. in 1694. Became consul for the Turkey Company at Smyrna in 1703. Returned to England in 1717. He occupied a high position among the botanists of his time.—*Dict. Nat. Biog.* lii. 67.

[2] James Sherard, born 1666. Established a large business as an apothecary in Mark Lane, London, by which he realised an ample fortune.—*Ibid.* lii. 66.

[3] George Cheyne, M.D., born at Methlick, Aberdeenshire, in 1671. Studied at Edinburgh under Dr. Archibald Pitcairn. Practised for a time in London. Died at Bath 1743. Author of numerous works, chiefly of a controversial medical nature —*Ibid.* x. 217-18.

IV

Robert Erskine to Lady Christian Erskine, his mother

I own it is an unpardonable fault which I have been guilty of in not writing before this time. I was in such a Hurry that I put it of till the very last, and now the ships is Just a goeing to sail, which vexes me that I can't have time to write to my Brother, Glgs,[1] and my sister and several other people, but I hope they will excuse me till I gett to Russia, and then I doe promise to make a mends for so many faults I have been guilty of.

I have left a letter [of] attorney with M^r^ Jeremy Sambrook son to S^r^ Jeremy Sambrook he is a very honest Gentleman and one that I am sure will take as much care of my Business as if it was his own, he is Impower'd to lay out the money to the best advantage, with the advice and Consent of two other Merch^ts^ I have likewise made my Will in which my Brother S^r^ John is sole Executor, so if it please God that I should dye what Money . . . . . .[2]

If I dont like the Countrey I shall return to London very quickly where a Gentleman has promis'd me two Hundred Pounds a year, since Munday last, so let it goe w^ch^ way it will I hope I shall live very easie, I am so hurry'd that I can onely add that I am and shall be while I live, Madam, your Lap^s^ most affectionate and obedient son and Humble Serv^t^,

Sic subscribitur, R. Areskine.

Buoy at the Nore,
June 14, 1704.

I beg that you would be pleas'd to give most humble service to all my brothers and sisters, Doctor Dundas, and all the rest of my relations who have been so very kind to me.

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[1] John Haldane of Gleneagles, his brother-in-law, married Helen, eldest daughter of Sir Charles Erskine of Alva, Bart.

[2] This letter is evidently only a copy. It is referred to as such in a subsequent one written by Patrick Campbell of Monzie to Sir John Erskine after Dr. Erskine's death (No. XXIII., p. 428), in which he says that the above was all that was legible.

V

Robert Erskine to Sir John Erskine, his brother

Dear Brother,—I remember when I had the good fortune to see you in France, you told me you never writt to Scotland but when you had occaision for a Bill of exchange, but you know very well that I wrote oftner than I had occasion for money, only to let my Relations know I was well and spent what money I had to good purpose, so that I hope you will not impute that reason to me for my Long silence if you have a mind to it I can make 33 excuses and a half but I'm sure you'l beleive none of 'em so I'd as good hold my tongue and own freely I have been a lazy dog and did not do my duty. I now write this only [to] tell you that I'm well and kindly entertean'd here and if 'twas not that I am so far from my Relations and good friends, I could leave my Bones in this cold climate; I wish you much Joy of your young son,[1] and wish you may have a great many more provided you can gett a good place from the Queen that you may make estates for 'em all, that they mayn't be oblidg'd to run about the World to seek their fortune, for my part I don't design to marry till I know how to dispose of my children and God knows when that will be.

I am sorry I could not asist the Gentlemen you recommended to me according to their desire. Mr. Robinson was profer'd a troop of Horse and his winter Quarters which would have been double the value, till he should learn the language and then was promis'd preferment, but this he refus'd and was very angry, and so went away tho' he had not one farthing of money, and so obstinate a man he was, that with much adoe I could perswade him to take fifty Roubles of me. Prince Alexander[2] would have made him a present of a hunder'd

[1] Charles, eldest son of Sir John Erskine of Alva: born 7th May 1709. Became fourth baronet on the death of his father in 1739. Killed at the battle of Laffeldt in 1747.

[2] Prince Alexander Bekewitz, the son of a Circassian noble, who, quarrelling with his sovereign, the Shah of Persia, had sought the protection of the Czar. He was a general in the Russian army, and, through treachery, was murdered in 1718 by the Kibick Tartars in the neighbourhood of the Caspian Sea, along with a large part of the military force with which he had been sent by Peter on an expedition to Tartary.—Mottley, ii. 258-9.

Roubles w^ch^ is somewhat less than 50 pound but he refus'd it: between you and I it is good for him that he was not imploy'd, for I could easily perceive that his humour did not agree with the people of this countrey, and by that reason might have been unfortunate here.

Mr. Meinzies came two months afterwards and Just at that time when the interview was between the Czar and King of Prussia,[1] and our army being then at a great distance, 'twas impossible for him to be imploy'd, but I recommended him to the Polish General who promis'd to give him service, and besides his Czarish Majesty takes no more foreign Officers into his service. Pray give my most humble service to all friends, and particularly to Mr. James Areskine,[2] I hope he is well and has not forgot me, and pray tell him I am glad to find that there is one man in the world as lazy as I am.

As soon as the peace is concluded with the Sweds, His Czarish Majesty has promis'd to let me returne to Brittain, and then I hope to come my self and drink a botle of good claret at the Cross Keys, and there show how much I am, Dear Brother, your most affectionat brother and humble servant,

R. Areskine.

Mosco, 12 Feb. 1710.

VI

Mr. Jeremy Sambrooke to Dr. Robert Erskine

Dear Dr.—I have wrote to you a Vast number of letters w^th^out haveing y^e^ honor of an ans^r^ w^ch^ makes me suspect that they have miscarried, either by Neglect or Design (God knows wh^ch^) least this shou'd do so to, I have sent 2 Coppys by severall ways. The subject of most of my last letters was to acquaint you y^t^ I had rec̄d of M^r^ Tho. Styles but one years sallary and to desire y^r^ Directions w^t^ I shou'd do in y^e^ matter, whether I shou'd sue him (w^ch^ I have forbore as yet to do for fear he

[1] In November 1709, at Marienburg, on the Vistula, in Eastern Prussia.

[2] James Erskine, second son of Charles, tenth Earl of Mar. Born 1680. Elevated to the bench with the title of Lord Grange, in 1707. Appointed Lord Justice-Clerk in 1710. Died at London 1754.

might do you a prejudice where you are) and if I shou'd insist on Interest for y^t^ mony w^ch^ remains in his hands: And to acquaint you y^t^ y^e^ hides you sent to Leghorn were sold there (as M^r^ Styles informs me) and y^e^ mony remains in y^e^ hand of y^r^ Factor there who says he has no orders to dispose of it, you wrote to me by M^r^ Morley above 3 years ago y^t^ you had order'd M^r^ Henry Styles[1] to send some goods for y^r^ Acc^t^ to M^r^ Tho: Styles w^ch^ w^n^ sold he wou'd pay me y^e^ mony. I have not rec̄d a letter from you since and he tells me he has rec̄d no Goods on y^r^ Acc^t^.

S^r^ I beg of you for y^r^ own sake, and Conjure you by our former freindship (w^ch^ I do assure you I have not forgot, tho' I cou'd almost in my heart to tax you w^th^ it) to let me hear from you by severall ways for fear of misscarriage w^th^ full Instructions how I shall behave my self in Relation to y^r^ affairs.

Most of our old Freinds at y^e^ Crown often Drink y^r^ health and at y^e^ same time (I fear w^th^ a great Deall of reason) tax you w^th^ Unkindness to, and Neglect of y^r^ Freinds: I shou'd be very heartyly Glad to see you here, but if you find it more to y^r^ advantage and satisfaction to Continue where you are, I will not be so selfish as to wish you here, to y^r^ prejudice.

I am very sensable how much you suffer, by y^r^ want of care in sending over Goods, and therefore beg you wou'd consider of it and let me hear from you.—I am D^r^ S^r^ w^th^ y^e^ utmost sincerity y^r^ Reall Freind, JER. SAMBROOKE.

London, May 12^th^ 1710.

[*Addressed on the back:*]

For Doctor Robert Areskine, Physician to his Czarish Majesty at Moscow.

[*Endorsed:*]

Archangel y^e^ 6^th^ July p. address, your Most ob^t^ ser^t^ ROGER MAINWARING.

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[1] An English merchant at Moscow. Mottley, i. 108; *A Memoir of the Life of Peter the Great*, by R. A. Davenport, 1832, p. 115.

VII

THE EARL of LOUDOUN[1] to SIR JOHN ERSKINE or his brother CHARLES

Loudoun, Octo^{r} 31st, 1713.

SIR,—I give you the trouble of this to desire a letter of recommendation from you to Doctor Areskine in favors of Tomas Garvine who is now a Surgeon in the hospital at Petersbourg. I have had obligations to some of his near relations in this Country, and would be glad to do him a favor, let the bearer have your letter which will verry much oblige, Dear Pap, your most humble servant, LOUDOUN.

VIII

ALEXANDER DUNDAS[2] to SIR JOHN ERSKINE

Bristoll, 12 July 1714.

D^{r} COUSIN,—I have the honour of your acceptable favour of the 10th curr^{t}, thank your forwarding my letter to me. I really believe my last to you was scarce inteligble being wrote in hast, and I believe wanted a Comment for I never read it over, however this is to signify that by advice of friends I have entirely lay'd aside the tho^{t} of going to St. Petersburg, at least for this year, by reason of the Swedes who not only carry in but Confiscate Brittish Ships bound for that place. Should be glad y^{t} you forwarded the letters for my Cousin the securest way, for am not Certain of their Contents; pray do me the favour of acquainting me, how long you design to tarry in London, for should be glad to have the happyness of seeing you, seeing it is likly to be a considerable time before I shall have that satisfaction should I miss this opportunity, as my thoughts are enclining to a foreign part where I may reside

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[1] Hugh, third Earl of Loudoun. Secretary of State for Scotland 1705-8. Keeper of the Great Seal of Scotland 1708-13. Died 1731.

[2] A son, probably, of Erskine's maternal uncle, Dr. Alexander Dundas of Edinburgh.

some time, my most Cordial respects to your Lady and self from, Dr Cousin, your affec: Cousin and ob: and h: servt

ALEXR DUNDAS.

[*Addressed on the back:*]

To Sir John Areskine, Member of Parliament in London.

IX

GEORGE MACKENZIE[1] to the EARL of MAR

St. Petersburg ye 8th of October O. St 1714.

MY LORD,—I don't well know what opinion? that your Lordship might hitherto make of me, in that I may as many others perhapps offer'd you some trouble on my own account, and that as yet I have, it may seem, but shown myselfe very little foreward in the smalest return you had required for your own pleasure, when it were not that I am persuaded your Lordp. had reasons to expect more than a general notice from me of what relates to Dr. Areskine, I might 'tis certain, some daies ago with truth assured you, I find him a Gentleman every way worthy the great concern, that he is fully sensible yr Lordp. is willing to take in every thing that may be for his interest, but as I was willing to answer each particular of what you had done me the honour to entrust to my unbosomeing myselfe to him in confidence, of all your generous intentions in his regard; I conceiv'd your Lordp. will have indulged me some delay for the proper opportunitys, which I have really not omitted to discourse him thorowly in your own name, and after the nature you so earnestly desired; and can now do him that right, that he has enough convinced me as I hope he quickly will yor Lordp. that 'tis may be as earnest a passion as

[1] I am unable to identify the writer of this and the succeeding letter. From the concluding portion of the letter, he seems to have acted as a sort of subordinate agent of the British Government at St. Petersburg; but in August 1714, when the change of administration took place, on the accession of George I., and Townshend became Secretary of State, his official position was apparently not confirmed. Another letter of his to the Earl of Mar, dated from Turin, 30th November 1707, is among the papers preserved at Alloa House. At that time Lord Mar was one of the Secretaries of State for Scotland.

ıe Dr. is capable of, to have all alongst wished for a more
equent advantage to impart yo^r Lordp. matters that could
ɜ for your mutual satisfaction, but that he has hitherto been so
nlucky, that his silence, very far from what 'tis imputed to there,
as either from a plain want of Leisure, or a want hitherto
f proper opportunitys. I know My Lord the cry against him
n this head is too loud and so universal, that I should at present
ıventure any thing to have it disbelieved; but I presume yo^r
ordp. will give faith to what I here write by his allowance,
› assure you he has passed me a formal promise to write yo^r
ordp. so soon as I shal think meet; but as 'tis on an affair
ıat we both conclude may yet abide some respite, and
erhapps be the better for it, your Lordp. may upon honour
ɛpect within less than a ffortnight hence that either he
imselfe or I by his appointment will write you an ample
etail of what concerns himselfe and something beside that,
e imagine may not be altogether indifferent to yourselfe.
'his I have bound myselfe to transmitt in the manner was
›ncerted, when I took leave of yo^r Lordp.; I am here at
resent in a true inactive state, but as I'm confident yo^r
ordp. knows that leaziness was never my charge, you can also
rmly rest satisfied I will less be so, in what, as in this point,
am made imagine can be for your service.

I must beg that yo^r Lordp. will forgive me the freedom I
ere take, to desire my respects may be made agreable to S^r
ohn Areskine, and that as the time his bro^r desires of first is
› very short, that he would excuse my not writing him as I
romis'd, a letter a part; which I will not faill in, when I shal
›reward him one from y^e Dr., who now desires me to add his
›rdial services to himselfe and Lady, and that he S^r John
ıould have the charity for me to think I will forget nothing
f what he was pleasd to command me, whereof I will leave the
roofs to time; and that I have that affair as much at heart,
s if it were entirely my own. In the while he may safely
romise to make some young Lady or other happy, for the
erson in question neither is, nor wants to be wedded out from
mongst his own Folks.

I send this after writeing to the Dr., that he may, if he has
ime? write a postscript, but if otherwise to sign it. I am

with a profound respect, My Lord, your Lordp's most obedient and most humble servant, GEORGE MACKENZIE.

P.S.—My Lord, Our infant City here is of that extent that tho' far from being at the fagend of it, yet have my house at above 2 English miles distance from that of the Dr's; so that my letter found him allready gone abroad with the Czar, tho' it was with him this morning before 7 a clock: How'ere that it is wrote, I would not longer diferr forewarding it to your Lordp., to the end you might have the patriarch's merit in believing against and beyond all appearances, your Lordp. no question sees daily yourselfe that *verisimile est, et multa fieri praeter verisimile*, wtout that I should play a chord for a citation of an authority before that of our own age. Let but my affirmation gain faith with you for this one time, and be not in the least doubtfull on the credit of my single selfe *as voucher*, to promise his Friends all the satisfaction that they can wish from the Dr.; and I will further engage for him, that under the sanction of poor *Mr. Temples amende* and that of renouncing a name which is the more valuable to me, in that it has the honour of being blended in to your Lordp's. that whereas Abraham had to wait the whole Term assigned him, that yet your Lordp., wind and weather serving after this, shan't be half the time I have above prefix'd, before you shal receive his letter; 'tis sure in this sense only that the Italian assume for a saying *che Dio e un buon mercante*, because he can and does pay all ye daies of the week.

I don't after so long a scrawl pretend to weary your Lordp. with either the situation or occurrences of this Court, which I reckon you'll stil hear from Mr. Secry Bromley[1] in so far as either can arrive to my knowledge, tho' I will allwayes confide in your generous concern for me, that you will from time to time observe what ingress some things I may relate, can make

[1] William Bromley, eldest son of Sir William Bromley, knight, of Baginton, Warwickshire. One of the ninety-two members who refused to recognise William III. in the Parliament of 1689. Chosen Speaker of the House of Commons 1710. Exchanged this office for that of Secretary of State in August 1713. Dismissed from office on the accession of George I. in 1714. Strongly suspected of leanings towards Jacobitism and Roman Catholicism.—*Dict. Nat. Biog.* vi. 403-4.

with your Lordps. at the Cockpitt;[1] I wou'd in a more peculiar manner be instant for your Lordps. having then noticed, or would now learn how those of the 27th past and 1st of this were relished; because the one hinted at what may have been a secret to some of your M. h. board, and which I was obliged I thought in duty to out, for apprizing your Lordps. that, on what some Folks here bottom their hopes; I only did narrat it, and referrd to the King himselfe, how far the assertion was true; for I was told, there was only 3 at passing the parole. the other letter of Relation was accompanied with heads of Grievances from our Factors at Riga, whereto I annexed my own Remarks, as I imagined I 'm bound, on the margine of each article; these glanced on some matters whereof I have had information whilst in this country; and that methinks stil, besides the other hereditary reasons his Maty may have, ought induce so well our neighbour as ourselvs to weigh well what we are to do. if my freedom after the precaution I had to wrape it up in numbers, is not well taken, I shoud be desireous to learn how I may serve better, being easy for me to be more reservd, if I must come off so cheap? My noble Lord I ought not to keep back from you the burden of the Scots ballad which is become my lesson of the day, that I watch my fate as weer men. the Lord of Oxfd[2] answer to his Lord, for not doing more for me; by being only a wretched Resid[t] I am become it would seem but a staff officer of politicks ano[r] was sent from Hanover to notify the demise here.[3] *Il ne faut jamais avoir raison avec son maitre*, and yrfore am not to know rules; but

[1] The meeting-place of the Ministry at that period. The present Treasury buildings—between the Horse Guards and Downing Street—occupy the site of that portion of the Palace of Whitehall to which this name was given. It was at the north-western angle and looked out on St. James's Park. 'To the Lords Commissioners of the Treasury Charles II. assigned the Cockpit, and in that locality their chambers have ever since remained.'—Timbs's *Curiosities of London*, p. 833.

[2] Robert Harley, born 1661. Created Earl of Oxford and Mortimer 1711, and made Lord High Treasurer same year. Resigned a few days before the death of Queen Anne in 1714. Impeached for high treason in 1715, and imprisoned in the Tower for two years, but afterwards acquitted.—Burke's *Peerage*.

[3] The death of Queen Anne on 1st August 1714, and the accession of George I., Elector of Hanover.

if they also demand up my halbart, won't y^r^ Lordp. give me a pair of colours in Striveling[1] (adieu).

R^t^ H^ble^ Earl of Marr.

X

George Mackenzie to the Earl of Mar

St. Petersburg, y^e^ 29^th^ of October o.s. 1714.

My Lord,—To the very best of Guarantys there is stil allow'd time according to the circumstances, or nature of the principals, for whose sake these are enter'd into; 'tis true I had the honour to write yo^r^ Lordp. the 8th Instant, that within a ffortnight thence and less, you were to expect a letter from Dr. Areskine; tho' it may not so soon appear to yo^r^ Lordp. both of us has acted with the utmost good faith, for there's above a week, that he gave Mr. Naroskin[2] a letter of Recommendation to your Lordp. he is chambellan and Relation of the Czar, and has the advantage to be destin'd the Bearer of an answer to a letter, our Monarch wrote this Prince from Hanover; as he is to have several other matters given him in charge, whereof, wtout breaking throw the Masson Word, I hope, as to a Bro^r^ Mechanick of his Czarian Maty, it will as yet be allow'd me to acquaint you so far, that he is to carry, say they, a sea Compass to our King: the value of that present is that 'tis of this Prince's own gradation, and the box of his own turning. what the other things may be? are also Joyners's work; but not being so compleat a Carpenter as to let out all

[1] The Earl of Mar was hereditary Keeper and Governor of Stirling Castle.

[2] The Czar's uncle, eldest brother of his mother, Natalie Carilowna Narishkin, second wife of the Czar Alexis. He was made Great Chamberlain to his nephew Peter in 1689. The circumstances under which Natalie Narishkin was married to the Czar Alexis are related by M. Stœhlin in his *Original Anecdotes of Peter the Great*, London, 1788. She was brought up by her uncle, the boyard Matveof, the Minister of Foreign Affairs, and a familiar friend of the Czar Alexis. Matveof's wife was a Scots woman, a Hamilton by birth, and it was probably because of this connection that when Alexis died he left his son Peter under the charge of a general officer of the name of Menzies, whose Scots patronymic was transformed into the Russian form of Menesius. To this influence also may perhaps be traced Peter's partiality for Scotsmen.

e cunning, without being seen, you[r] Lordp. having so long
o pass't the Essay Master will enough be apprized of it
ere, before the whole is come to a walding. to return to the
's excuse and my own, that Gentleman having been kept up
re till sledge-way, which My Lord in good English is to say,
ore snow; tho' that's been allready our weather above a
onth. I conceivd you might throw a degree of distrust and
e anxiety of the Dr's Relations, be led into a belief, that I
as as remiss as others that had gone in to this bliss'd country
fore me, and to remove an opinion, which I dare presume
ll never be yo[r] Lordp's. of me, where there may be question
convince you of my sincerest attache, have now procured
e inclosed, which I will afterwards enlarge and explain
at I had formerly hinted as to yourselfe. if there may go
me time to that last particular, I beg y[r] Lordp. to be per-
aded, that 'tis neither as delay, or forgetfulness, but what
m, in so far as I can gather at this distance, assur'd you'll
prove I shoud till it may be I have greater freedom. This
ter from the Dr, as y[r] Lordp. will perceive is wtout any date,
ich he did to appease my warmth for making me undertake
a day, and that on that account I shou'd if I pleasd make
within the term I had promised it; but I confide I 'm known
love a littel too much round dealing to take such wayes. I
n I only had it yesternight brought me to dinner by him-
lfe, where tho' I had not all so good and so cheap provisions
what I had destin'd from London hither, and tho' return'd
ere again, by the pains I understand yo[r] Lordp. was willing
take to have 'em embark't, for which I return my most
atefull thanks, yet I can assure you[r] Lordp. we were not yet
nigh the lees, but that we found liquour good enough for a
orse health than that of the Earl of Marr, to which we not
ly joined Sir John and Lady, but also more than this page
ll hold and all wellwishers of yo[r] Lordp. I most sincerely
sire that I had a better opportunity to make my wishes
ore usefull to y[r] Lordp. but as the Dr is since 3 daies ago
come also a housekeeping man I dread nothing more, than
at I shal pay dear for my allegiance to you. here yo[r] Lordp.
es me live all in a knott of charity, tho' only God knows what
are I 'm yet to have oft from yo[r] corner. I write this under

covert to M^r^ Chetwynd[1] whom I beg to forward it to y^r^ Lordp. and which I hope will excuse that I don't as I ought put it under a covert. I am with the most cordial and profound respect, My Lord, you Lordp's most obdt Faithfull and most humble servant, GEORGE MACKENZIE.

P.S.—My Lord, The Dr. lest yo^r^ Lordp. shoud take the want of date for more than a degree of inadvertancy has sent for it this morning to that purpose and desired me to take a copy, in order to transmitt the same by ensueing, being in vain to hide what you'll too soon see thorow, that tho' ingenously there's no body more honours or can be better sensible than the Dr. is of all the obligations y^r^ Lordp. has put upon him and Family, that yet he woud rather I shoud transmitt and write yo^r^ Lordp. a hundred Doubles, than be bound to frame a 2^d^ original: This Sir John Areskine may perhaps take for a clogy omen of my performance, and yet if he can but allow a short time, I'm hopefull to bring the Dr not only to that, but also to anoy^r^ for my Lady his mother to shun bulky packet, I hope yo^r^ Lordp. will forgive me to enclose mine in the Dr's Enveloppe and direct both to Mr. John and Wm. Chetwynds, who my Lord are the two only Friends I have the most confidence in and does take all manner of trouble upon 'emselves for me; if it may not be officious in me I must beg yo^r^ Lordp's thanks, which is the highest return that I can offer and I'm persuaded the most agreable that they do expect at my hands. admitt me the rather to rely on yo^r^ Lordp. to make my most gratefull respects acceptable to the Earl of Stair[2] in that I have not since I am abroad done myselfe the honour to write him; nor know hitherto whether I shoud adress to his Lordp. at London

[1] William Richard Chetwynd, third son of John Chetwynd of Ridge, Staffordshire, M.P. Appointed British Resident at Genoa in 1708. Envoy-extraordinary to Madrid in 1717. Succeeded his brother John as third Viscount Chetwynd in 1769. The writer (see note p. 404), who was in Italy at the time, had probably become acquainted with William Chetwynd during his Residency at Genoa.—*Dict. Nat. Biog.*, x. 213.

[2] John Dalrymple, second Earl of Stair. Ambassador-extraordinary to the court of France 1715-20—Graham's *Annals of Viscount and First Earl of Stair*, 1875.

or in Scotland. My Lord Visct Townshend[1] had formerly allowd me some share of countenance, and has had the goodness by his first letter notifying he was now my M^r^, to assure me of his readyness to do me all the best offices in his station. I stand however as yet *unconfirmed* and lean only so far on Court stile, as the event may support me. These have the ball now, Mr. Cug.n[2] will assure you^r^ Lordp. he allways knew and was for swearing myselfe in to the faith, they were my real Inclinations, and I was only held as Lucky to have had but a kind look from those are now functi, q^t^ to divert yo^r^ Lordp. will the old Gentleman say? when he hears tho' that not only as Oxfds Resdt I have neither fire or light, nay a roof here, but what I pay for, and hitherto no Guards, tho' these are allowd even to the meanest Foreign Agent and after having been allready robb'd stand in fear every night for anoy^r^ like civility, and yet have so much honour and acknowledgmt for his Lordp. that I bear with all this usage, rather than be so unworthy as to disclaim his past favour. in fine My Lord I 'm resolv'd that if I can't prosper by the politicks, I shal by the hemp trade from home. 'tis likely to be a thriving commodity, so y^t^ it may be better to divert one from what can be dangerous, for if left out? I will send it, and leave Folks to find out the use!

R^t^ Hon^ble^ Earl of Marr.

XI

Robert Erskine to the Earl of Mar

My Lord,—After the strange reports I hear, my Relations have had of me and my conduct, I could not forbear to acquaint your Lordship that nothing ever troubl'd me so much since I

[1] Charles, second viscount. Became Secretary of State with Stanhope as his colleague, on the accession of George I. in August 1714. Dismissed 1716, but re-appointed to same office in 1721. Resigned 1730.—*Dict. Nat. Biog.* lvii. 109.

[2] Probably Alexander Cunningham, son of Rev. Alexander Cunningham, minister of Ettrick. Sent on an important mission to Paris in 1701, nominally to negotiate a commercial treaty between France and Scotland, but really as a spy in the interest of William III. After the death of the latter continued an active agent of the Whig party. Went to Italy with Lord Lonsdale as tutor in 1711. British envoy to Venice 1715-20.—*Dict. Nat. Biog.* xiii. 306-7.

had command of my self, but chiefly the distrust I find they have of me either in obedience or friendship. 'Tis true I've neglected writing so often as I own I ought to have done and by my silence not shown that due Respect I owe to my mother and Relations, but consider my Lord, friendship consists not in often writing, for many a fair letter is writ w^th^ a false heart, so hope that fault may be easily pardon'd, since those who have been acquainted with me formerly know that I never was capable of either, (Laziness aside) therefore beg that your Lordship according to your usual goodness, may forgive my former neglect. The many favours our Family has receiv'd of your Lordship make me so bold to write thus so freely and am sorry distance should hinder me from being particular sharer of your goodness and in person to render thanks for your Lordships former favours.

I design to write very shortly to my relations and tell 'em (if they'l believe me) I 'm not so as they think, neither is the Devil so black as he's painted, however I 'll cry *peccavi*.

My friends in England are as mad and angry w^th^ me as others are at home but I can't help it for this time, I 'l write as soon as possible. I suppose M^r^ Whitworth [1] is one, but I 'm glad to find he 's as lazy as I am.

M^r^ Mackenzie I doubt not has writ to your Lordship about me and believe has given account of my way of living, if he has not I will beg of him to do it, that it may be the better believ'd and therefor will not trouble you more, only assure your Lordship that I am and always shall be, My Lord, your Lordships most humble and obedient servant,

R. Areskine.

S^t^ Petersburgh, 29 Octob^r^ 1714.

[1] Charles Whitworth, Envoy-extraordinary to Russia, 1704-10; Ambassador to Vienna, 1711; created Baron Whitworth of Galway, 1721; author of *Russia in 1710*, printed at Strawberry Hill from his memoranda, 1758.—*Dict. Nat. Biog.*, lxi. 161.

XII

CHARTER of PETER the GREAT appointing ROBERT ERSKINE a Councillor of State

DIVINA favente clementia, Nos, Petrus promus, Czaar et totius Rossiae Autocrator, etc. etc. etc.

Notum sit omnibus et singulis, quorum interest, cum Nos annorum aliquot ab hinc generosum, fidelem Nobis et dilectum Robertum Areskin philosophiae medicinaeque doctorem, Regiae Societatis Magnae Britaniae socium, ob eximia ipsius merita multis que documentis in personam nostram testatam fidelitatem et summam in re medica experientiam in medicum nostrum firmarium receperimus illumque Archiatrum et presidem totius per integrum imperium nostrum medicinae facultatis constituerimus, illud ipsum non solum hisce palam testari ipsumque in utroque illo, quo fungitur apud Nos munere, confirmare verum etiam in testimonium singularis nostrae, quo ipsum prosequimur gratiae fidelissime aeque ac felicissime Nobis ob reddita servicia munere et charactere *actualis consiliarii* Nostri insignire dignati sumus. Quemadmodum vigore harum praenominatum Robertum Areskin medicum nostrum primarium reique medicae per imperium Nostrum praesidem, in actualem consiliarium nostrum designamus et constituimus utque pro tali ab unoquoque agnoscatur et honoretur, Nostris clementissime mandamus, ceteris vero benevole desideramus et requirimus. In quorum fidem propria nostra manu has notatas et imperii nostri sigillo corroborare mandavimus. PETRUS.

Gedani,[1] Aprilis XXX anni MDCCXVI.

[Peter, by the grace of God, Czar of all the Russias, Autocrat, etc. etc. etc., Greeting.

Be it known to all and sundry whom it may concern, Whereas on account of his eminence and trustworthiness in the practice of medicine, attested to our own person, by many proofs of his superior worth, we some years ago did create our noble, trusty, and beloved Robert Areskin, Ph.D., M.D., F.R.S. of Great Britain, to be from that time our chief physician, we now again hereby reappoint and constitute him Archiator and President of the Faculty of Medicine throughout all our empire, and for that purpose not only do we execute these presents in evidence of this

[1] Polish, *Gdansk*.

fact; but further, in confirmation and testimony of the peculiar regard in which he is held by us, as well as in recognition of the numerous and most faithful services rendered to us by him, we bestow upon him the office and rank of *Actual Councillor*, to which distinguished official dignity we promote him. Whereupon by virtue of these presents we nominate and appoint the before-named Robert Areskin our Chief Physician and President of the Physicians throughout our Empire, and one of our Actual Councillors, and we moreover enjoin our subjects, desiring and requiring with true kindliness, that he be recognised and honoured as such by them and others. In Witness whereof we have executed these presents with our own hand, corroborating the same by our Imperial seal.

PETER.

Dantzic, April 30, 1716.]

XIII

UNSIGNED LETTER to an ANONYMOUS CORRESPONDENT

I KNOW not if you have heard of a silver mine, and that a very Rich one, that S[r] John Ereskine had found on his grounds; some has discover'd it to the Government but Gleneagles has brought things so about as to obtain a pardon to S[r] John for life and fortune and a share of the mine providing they'll discover all about it, but the estate being Intaild, and they say if ther are any mines S[r] John has an act of parliment secureing them to himselfe but his lady will own nothing of it, at which all his friends are very angry, especialy Gleneagles who thought he had brought him well off.

This my Ld Polwarth sent me.[1]

July 23, 1716.

XIV

PATRICK CAMPBELL of MONZIE[2] to DR. ROBERT ERSKINE

D[r] S[r],—You will no doubt have heard that your brother S[r] John was involv'd in the miseries and misfortunes of Scotland

[1] In different handwriting from the rest of the letter.

[2] Erskine's brother-in-law, second son of Colin Campbell of Monzie, Perthshire. Born 1675. Married Catherine, daughter of Sir Charles Erskine, Bart. of Alva, in 1706. Admitted advocate 1709. Raised to the bench as Lord Monzie 1727. Died 1751.—Brunton and Haig's *Senators of the College of Justice*, p. 501.

last year. He went (as we generally believe here) to ffrance in february last, and an incident has hapñd with regard to him lately, which if well improven may I hope extricate him and his family out of the present misfortunes, the case is this:

One Hamiltoun who came lately from Scotland brought some rich ore with him, and tells of his having found itt att Alva,[1] wher a mine of that sort has been wrought for some time, that ther are some rich veins yett to work, this naturally [caused] an inclination in the ministry to send to try what was in the matter, some time was lost in thinking of the proper persons to be sent, and when these were thought of some difficulties arose about the laws of Scotland with regaird to the mines.[2] The kings advocat[3] gave his opinion, but it was not agreeable to the prepossession that people here were in on that subject, and I 'm told some lawyers here sent their opinion on that head from Scotland differing from the Advocat. The use that your Brothers friends here made of these matters was to propose S[r] John's remission as a good expedient to remove all difficulties about finding out such mines as were in his grounds, wherof they beleiv'd he had more knowledge than any body els, and 'twou'd putt an end to all controversies as to the law and right to the mines, for if the right was in the King, ther was no more to be said about it if it or any part of it was in Sir John, then the King was to be umpire, in any diffi-

[1] The signed affidavit, or 'Disposition of James Hamilton of the parish of St. Bridget's *alias* Bride's, London,' before Sir Charles Peers, Lord Mayor of London, dated 3rd July 1716, with particulars of the mine discovered at Alva, is still preserved among the Erskine family papers.

[2] In the year 1592 in the reign of James VI., an Act of Parliament was passed, ordaining 'That in all time coming there shall be an ordinar Officiar appointed and provided to the office, enduring his life time for the Oversight and profitable Handling of the hail Matter, of the Metals and Minerals pertaining to Our said Sovereign Lord, and concerning the same, to be called the Master of the Mettals. . . . The said Master of the Mettals being always comptable to our Sovereign Lord's Theasaurer, and others having power, as said is, of His Majesty's Duty, which is the Tenth Part of all the said Mettals, freely to be paid to our Sovereign Lord, yearly and termly.'—Cochran-Patrick's *Early Records relating to Mining in Scotland*, 1878.

[3] Sir David Dalrymple, fifth son of James Dalrymple, first Viscount Stair; appointed Lord Advocate in 1709.

culty or controversy could arise on that head. My Lord Townshend entr'd into the motion and propos'd it last Thursday in the cabinet wher it was aggreed to. The Prince[1] allow'd S^r John's friends to write to him to leave France, and on Friday V. Townshend wrote as I understand it to the King for a warrand or allowance to pass Sir John's remission. In the meantime those who are to be employ'd as Commissioners[2] are it seems exceedingly impatient, and want to be gone to make y^e search, and my Lord Townshend is likely to give way to it. I doe apprehend some dangers from this, for if [they] find nothing wher they imagin'd mountains of silver, I 'm affraid they 'll be the more cool about passing the remission. If they stumble upon any thing that 's valuable, then some scruples will very probably be suggested to the ministry why they shou'd not pass the remission, and therby take upon them y^e ill will and displeasure of those people who are exceedingly zealous that the estates and effects of the Rebels should goe towards the payment of the publick debts.

My Lord Townshend has allow'd your nephew S^r Hary Stirling[3] to goe over to find S^r John to deliver him the letter w^ch I am allow'd to write to him, and if in the course of this affair it be necessary to send him to Hanover or any wher els, I think its good you have him with you, for besides the pleasure off seeing you, for which all your friends will envy him, he can tell you more of that affair and of your friends in this country than I can write. 'Tis true My Lord Townshend does not seem to apprehend any difficulty or delay att Hanover, but if you find it otherways, you'l no doubt think of all the proper expedients to remove them and prevail with Sir John to act the part which his friends doe expect of him on such ane

[1] The Prince of Wales, afterwards George II.

[2] These were Dr. Justus Brandshagen, and James and Thomas Hamilton, acting under instructions given them by the celebrated Sir Isaac Newton, Master of the Mint.—*Hist. MSS. Commission*, 8th Report, pp. 84-86.

[3] Sir Henry Stirling, Bart., of Ardoch, Perthshire, son of Sir William Stirling, and Mary, eldest daughter of Sir Charles Erskine, Bart., of Alva. Born 1688. Admitted advocate in 1710. Married at St. Petersburg, in 1726, Anna, daughter of Admiral Sir Thomas Gordon. Returned to Scotland in 1741. Died 1753. —*The Stirlings of Keir*, by Sir William Fraser.

occasion, that is to comply with the gentle terms propos'd, and I do not apprehend any other, because they were not mention'd when V. Townshend [wrote] the letter which Sir Hary carries. I expect your Bro^r Charles and sister Katharine in town by the end of this or the beginning of next week, and how unwilling soever you may be to write, I beleive we here shall not scruple to give you frequent trouble till we know the fate of this affair.[1] I am, etc.

XV

Robert Erskine to Sir John Erskine, his brother

D. Brother,—I receiv'd yours of the 12^th^ of August, two days agoe, and tho' I formerly did not answer your letters becaus I had no business, this requires no delay, therefore I beg you would come to this place incognito as soon as possible and enquire directly for the Czar's Chief Physician as being sent to me about the Czar's business from Mons^r Seba, Materialist in Amsterdam, viz., about medicins for the army of Russia, and you 'l be without danger, but if I should happen not to be in Copenhagen, then go to Mr. Alexander Ross, merchant here, and tarry till I come. this I think is highly necessary, therefore make no delay, and then we can more

[1] The efforts of Sir John Erskine's friends were eventually successful. He received a free pardon, and returned to Scotland, sometime towards the end of 1716. He evidently loyally implemented the conditions of his pardon. For in a long and elaborate report to the Lords of the Treasury, by Dr. Justus Brandshagen, of a visit which he paid to Alva in January 1717, to survey the silver mine there, he records 'that with regard to Sir John Areskine himself (who has been a witness to all the transactions with the Commissioners), he has all along not only been particularly civil and kind to me, by procuring me and my family and the Hamiltons good lodging and accomodation near the mine, in the minister of Alva's house, but likewise in accomodating us with necessary tools, with work people, and with a house where we built the furnaces and made the assayes, and he contributed in everything to facilitate and carry on this business.'—Contemporary manuscript copy, but the full report is printed in the *Hist. MSS. Com. Reports*, viii. 84-86.

freely talke about our Domestick affaires, and perhaps do some business, till then I wish you health and happiness, and remain, your faithfull loving brother and humble servant,

R. A. De la Costa.[1]

Copenhagen, the 1st Septr. 1716.

XVI

Sir Henry Stirling to Sir John Erskine, his uncle.

Copenhagen, 22 Septr 1716.

Dear Sir,—I arrived here on Sunday in eight days from hamburgh by Post Wagon. All I have now time to tell you is that your Brother the Doctor is well and in as great prosperity as such service can afford. He has so far had regard to your circumstances that the Czar has by his means promised and undertaken to gett your affair done, if the t'other way should faill.[2] He tells me he wrote to you desiring you to come to this place, butas that was only because He thought youdestitut of all other means, He now Inclines you should wait the event of the t'other. Its by his order I tell so. This day being His Birth day,[3] the Zcar [*sic*] did Him the honour to dine with him. I kiss'd his hand, and am obligingly received by every body upon the privy Counsellor's account. I have as yett no accounts from Duncan. So My Dear Adieu.

I have just recieved yours of the 14th from an unknown place, and must defer the answer till next.

[*Addressed on the back:*]

Sr John Arskine.

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[1] I have been unable to ascertain the reason for the use of this title by Erskine.

[2] This evidently refers to the Swedish and Jacobite plot, and is strongly suggestive of the Czar's complicity in it, notwithstanding his subsequent disclaimers.

[3] Erskine must have been mistaken in this, as his baptism is recorded in the Alva parish register as on 8th September 1677.

XVII

Extracts relating to Dr. Erskine from the Correspondence between Barons Gortz and Sparre and Count Gyllenborg.[1]

1. Lettre du Baron Gortz [2] au Bar. Sparre.[3]

12 Novr. 1716.

Mais je crois pourtant que par le Canal du Medecin Confidant l'on pourroit cultiver les bonnes Disposition du Czar, Si elles sont telles qu'on les marque. En cas que le Czar vint icy et qu'il y eût moyen d'avoir un entretien avec le confidant, nous menerions certainement loin les choses, supposé comme j'ay dit que ce que le confidant ecrit se trouvoit bien fondé. En attendant je suis aprez a trouver quelque autre voie.

[Letter from Baron Gortz to Baron Sparre.

12 Novr 1716.

I believe, however, that by means of the confidential physician, the good will of the Czar could be cultivated, if it be such as has been represented. If the Czar comes here, and there were any means of having a conversation with the confidant, we should certainly advance affairs considerably, supposing, as I have said, that what the confidant wrote was well founded. Meanwhile I am trying to find some other way.]

2. Lettre de Mr. Gust. Gyllenborg [4] au Comte du Gyllenborg.[5]

a la Haye, 17 Novr. 1716.

Monsieur Sparre fait mention que My Lord Mar a un

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[1] These are taken from a contemporary manuscript copy. The whole correspondence was published by authority at the time. London: folio, 1717. It was reprinted in pamphlet form in Edinburgh shortly after. A copy of this rare pamphlet is preserved in the Wodrow Collection of Pamphlets in the Advocates' Library.

[2] George Henry, Baron von Gortz, belonged to a noble family in Franconia. Finance minister to Charles XII. of Sweden in 1715. He was at this time acting as Envoy-Extraordinary of Sweden at the Hague. Executed after the death of Charles in 1718, in March 1719.

[3] Swedish minister in Paris.

[4] Secretary of the Swedish Embassy at the Hague.

[5] Swedish minister in London from 1703 to 1717.

cousin germain nommé Erskins auprés du Czar qui est Medicin & Conseiller privé de ce Prince, Ce Confidant a envoyé a My Lord Mar des Lettres fort amples touchant le Czar portant que le Czar n'entreprendra d'avantage contré le Roy de Suede, qu'il se brouillé avec ses allies, qu'il ne pourra jamais s'accommoder avec le Roy George, qu'il le hait mortellement qu'il connoit la juste Cause du Pretendant, qu'il ne souhaite rien plus qu'une Conjoncture pour le pouvoir retablir dans ses Royaumes, que le Czar ayant tout l'avantage ne peut pas faire le premier pas, mais que si le Roi volut faire la moindre Demarche, l'accommodement sera bientôt fait entre eux.

[Letter from Mr Gustavus Gyllenborg to Count Gyllenborg.

The Hague, 17 Novr 1716.

M. Sparre mentions that my Lord Mar has a first cousin named Erskins with the Czar, who is Physician and Privy Councillor to that Prince. This confidant has sent to my Lord Mar very full and explicit letters concerning the Czar, purporting that the Czar will not undertake anything further against the King of Sweden, that he has fallen out with his allies, that he could never be reconciled to King George, that he mortally hates him, that he is acquainted with the just cause of the Pretender, that there is nothing he desires more than an alliance in order to be able to restore him to his kingdoms, that the Czar, having all the advantage, cannot take the initiative, but if the king would make the least advance an agreement will soon be made between them.]

3. Lettre du Bar. Gortz au Comte de Gyllenborg.

a la Haye le 1 Decemr. 1716.

Le Parent de milord Mar a mandé effectivement qu'il y des Dispositions pacifiques auprés a Czar. Nous ne manquerons pas d'en profiter pour estre en Estat de mieux pousser l'affaire en question. Le Czar doit arriver icy au primier jour. Si l'on pouvoit ordonner que le dit Parent de milord Mar me parlât, je verrois bientôt ce qu'il auroit a faire.

[Letter from Baron Gortz to Count Gyllenborg.

The Hague, 11 December 1716.

The relation of my Lord Mar has written to the effect that the Czar is peaceably disposed. We shall not fail to profit by that in order to be in a better position to press forward the business in question. The Czar is

to come here on an early day. If it could be arranged that the said relation of my Lord Mar should speak to me, I should soon know what might be done.]

4. LETTER du COMTE de GYLLENBORG au B. GORTZ.

a Londres le $\frac{11}{12}$ Decem^{re} 1716.

JE compte en même tems d'y pouvoir joindre une Lettre d'un des mes amis au Parent de mi Lord Mar par ou V. E. pourroit avoir l'occasion de conferer confidemmont avec lui.

[Letter from COUNT GYLLENBORG to BARON GORTZ.

London, $\frac{11}{12}$ December 1716.

I expect at the same time to be able to forward a letter from one of my friends to the relation of my Lord Mar by which your Excellency might have an opportunity of conferring confidentially with him.]

5. LETTRE du COMTE de GYLLENBORG au B. GORTZ.

a Londres, le 29 Dec^{r} 1716.

J'AY les Lettres prêtes pour le Medecin que Je n'ose pas hazarder par la Poste.

[Letter from COUNT GYLLENBORG to BARON GORTZ.

London, 29 December 1716.

I have the letters ready for the physician, which I dare not risk by the post.]

6. LETTRE du COMTE de GYLLENBORG au BARON GORTZ.

a Lond., ce 18 Jan^{r} 1717.

JE les aussi prie de me faire avoir un Lettre du frere du Medecin du Czar afin que si V. E. croyoit a propos de m'employer a lui parler elle me servira d'introduction.

[Letter from COUNT GYLLENBORG to BARON GORTZ.

London, this 18 January 1717.

I have also begged them to let me have a letter from the brother of the physician of the Czar in order that if your Excellency thought fit to employ me to speak to him, it would serve as an introduction.]

7. LETTRE du BARON GORTZ au Secretaire MAMBKE a la Haye.

a Paris 31 Janr 1717.

IL y doit aussi être arriver quelqu'un pour Servir d'Interprete entre le Medecin du Czar et moy Vous pourries en attendant mon arrivée, le mettre en oeure pour sonder les Dispositions et le dernier mot.

[Letter from BARON GORTZ to Secretary MAMBKE at the Hague.

Paris, 31 January 1717.

Some one ought also to be there to act as interpreter between the physician of the Czar and myself. You could while waiting my arrival make use of him to ascertain the situation and the last word.]

XVIII

EXTRACT from the MEMORIAL sent by order of the CZAR PETER to MR. SECRETARY STANHOPE, to be laid before the KING OF GREAT BRITAIN [12th March 1717][1]

HIS MAJESTY'S Surprize in that Respect, was the greater, in that his Enemies, to give some colour to their malicious Insinuations, have been so daring, as to mention in their Letters, that Mr. Areskine, Physician to the Czar my Master, had held a Correspondence with the Earl of *Mar*, and had suggested to him, that his Czarish Majesty is sensible of the just cause of the Pretender, and that he wished for nothing more than a Conjuncture, in which he may be able to restore him to his Dominions; with other odious Expressions: Although his Czarish Majesty, considering his said Physician's good Behaviour for the Space of thirteen years, during which, he has been in his Service, cannot believe that he can have forgot himself so far, as, without any order, to enter into so criminal a Correspondence, the rather, because his Majesty never admits him to his Councils, on Matters of State, but only employs him in the Way of his Profession. Much less

[1] Motley, ii. 225-6.

can his Majesty believe, that he has been so daring as to abuse his name in an Affair of such a Nature, and to father such base things upon him, to the Hazard of his Life and Fortune. For, as soon as the Czar, my Master, was inform'd, That some Relations of his said Physician had been engaged in the late Rebellion against your Majesty, he did immediately forbid him to hold any Correspondence with them, not only about Matters of Moment, but even concerning their Family affairs. Nevertheless his Czarish Majesty did not fail, with eager zeal, to examine him about it, as soon as he receiv'd the News of it; but he protested that he was entirely innocent of this whole Plot; the rather, because he never received Orders from his Czarish Majesty to enter into such affairs, or to hold so dangerous a Correspondence, which might tend to the Prejudice of his Majesty's Interests, and to the Interruption of the good Harmony establish'd between his Czarish Majesty and your Majesty; and he afterwards declar'd, upon Oath, and on the forfeiture of his Life, that he never wrote such letters, either to the Earl of *Mar*, or any other; and he is confident, that no man can prove any such thing against him, and that no such Letters of his can be found any where; and in case any should, he voluntarily submits himself to the most rigorous Punishment.

XIX

Extract from the Reply by King George to the Memorial sent by the Czar of Russia [1]

Whitehall, March 20, 1716-17, o.s.

The King is very far from having the least Suspicion that his Czarish Majesty is enter'd into any Engagement in favour of the Pretender, or that he had a Share in the Intrigues of the *Swedish* Ministers. And as for the Physician *Areskine*, his Czarish Majesty may easily understand that it was not possible to suppress, in the printed Letters, such Passages as concern him, the King having had so strong Reasons to com-

[1] Mottley, ii. 232.

municate those Letters to the Parliament as they were found, that this occasion'd the leaving in them the odious Reflections therein contain'd against some of our Ministers. His Majesty has, on this Occasion, sufficiently shown his regard to the Czar, since he never caus'd any Complaint to be made to him against the said Physician, although there were such Indications against him; which shows, that his Majesty will see without any Uneasiness, that the Czar passes over in Oblivion the Affairs about that Physician.

XX

CHARLES ERSKINE to his WIFE[1]

YOURS of the 22d came to my hands and tho' all yours are agreeable yet it carry'd ane additionall pleasure along with it since by it I had the news that My Dearest Grisy was in a condition to go abroad.[2] My brother is at last come to this place and salutes all his friends very kindly, tell my mother he's in good health and says that if he can prevail with his master he designs to wait on her in Scotland, neither is it want of affection to her or other friends that makes him not writt, for I do assure you nobody remembers them with greater warmth. I cannot yet determine precisely the time of stay in this country but to be sure it shall not [be] long. I have not time at present to add any thing but that I am as ever yours most passionately, C. A.

Amsterdam, 22d Dec. 1716.

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[1] Grizel Grierson, eldest daughter of John Grierson of Barjarg, Dumfriesshire, and Katharine, his wife, daughter of John Sharp of Hoddam; married to Charles Erskine, 12th January 1713. The latter, who became Lord Advocate in 1737, was raised to the bench in 1744, and was appointed Lord Justice-Clerk in 1748. A full and appreciative notice of this distinguished judge will be found in Ramsay of Ochtertyre's *Scotland and Scotsmen in the Eighteenth Century*, i. 100-110.

[2] Mrs. Erskine had given birth to a son, Charles, on 23rd October. He became a counsellor at law of the Middle Temple and of Lincoln's Inn, in 1733 and 1743 respectively. M.P. for the Ayr Burghs from 1747 till his death in 1749. In the delirium of fever he threw himself over a window in London, and was killed by the fall.—*Ibid.* i. 107.

XXI

The last Will and Testament of Dr. Robert Erskine [1]

In the name of the Holy Trinity. Amen.

Inasmuch as by the Will of Almighty God, I have been visited by grievous bodily weakness, which has so increased that to all appearance my life will be ended and I shall exchange this temporary for an eternal existence, in which case may the Almighty in His mercy help me.

And because, according to the usage of Christians and for the satisfaction of my conscience, I am resolved to bequeath my property, moveable and immoveable, to my rightful heirs, I being in sound mind, acting of my free will and acting without constraint, so that if by the will of God, I depart from this world, there may be no disputes or quarrels among my heirs, and therefore what is here written will be righteously observed; and whoever shall act contrary to this will and my last desires shall be entirely excluded from benefitting by this bequest.

And in order that this my last will may be truly and in the best way carried out, on this account I have requested the following gentlemen, George William Hecking, a Colonel in his Imperial Majesty's Artillery and Commandant Olonetski, Let this be together with the witnesses who are mentioned and have signed below to be present at the execution of this my last Will and Testament, so that all may be done in a straightforward way without trickery or fraud.

I determine and bequeath as follows:

My money and cash in hand in England to my mother; and if it happen that she is dead, then to the next heirs; the money which I have in St. Petersburg, and the jewels, gold So be it.

[1] The original will, which is in old Russian, is preserved in the Imperial Archives in St. Petersburg. A copy of it will be found in the Russian work, *The History of the First Medical Schools in Russia*, by Professor James Chistovich, St. Petersburg, 1883, pp. 366-67. The above accurate translation has been obligingly furnished by the accomplished Russian scholar, Professor W. R. Morfill, of Oxford.

[2] Marginal notes in the Czar Peter's own handwriting.

and silver, to families who may be in a necessitous condition.
ɔ be it. wishing by these means to be of assistance to them.

To the Most Gracious Lady the Tsaritsa Ekaterina Alekseievna such of my linen as has not been used and the lace which is still entire and not torn, and all my porcelain ware.

To my valet Johann Kroning, all such clothes as I have worn, my bed-furniture and linen, all my kitchen utensils, whether tin, copper, or iron: also all my horses, carriages, sledges, and the harness belonging to them, are to be sold and the money to be given to the Apothecary Mr. Behr,[1] Mr. Ravenel, Secretary Schumacker,[2] and my valet Kroning, for the trouble which they have taken and their trusty services.

My library is to be sold and the money received for it to be given to my nearest heirs: all my curiosities and medals and all other surgical instruments are to be offered to his Imperial Majesty only, in case he might graciously wish to purchase them for himself, and the money for them to be given to Orphanages, Hospitals, and Alms-houses, in Scotland.

My house in St. Petersburg, with all the furniture, that is, chairs, wardrobes, tables, beds, looking glasses, clocks and paintings, is to be sold, and the money to be given to my mother, or in case she be dead, to the nearest heirs.

The country seat Gastel (now called Gostilitzi), I transfer to the most gracious pleasure of his Imperial Majesty, in case he should wish to give it to Her Highness the eldest Princess.[3]

Finally, I bequeath the country seat Pakola to Dr. Blumentrost the younger.[4]

Done at the Petrovski Factories, in the house of His Imperial Majesty, November 29, 1718.

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[1] A curious story about this man and his complicity in the fictitious poisoning of the Czarewitz Alexis, in 1718, will be found in the *Memoirs of Peter Henry Bruce, A Military Officer in the Services of Prussia, Russia, and Great Britain*, 1782.

[2] He was librarian to the Czar, and in February 1721 was sent by him to the Royal Academy of Sciences in Paris, with a chart of the Caspian Sea recently constructed by a party of geographers sent by Peter to survey it. An account of his visit to the academy and a copy of the chart is given in Mottley, iii. 214-15.

[3] Elizabeth Petrovna, born 1709. Became empress in 1741.

[4] After the death of Erskine he succeeded him as chief physician to the Czar.

XXII

Sir John Erskine to Lady Christian Erskine, his mother

Madam,—Amongst the many aggravating and afflicting circumstances which I felt by the loss of my Dear brother, the extraordinary concern and uneasiness which the loss of so worthy and truly good a man and very dutifull son would occasion to you was really a vexing one to me, especially when you hapned to be in a weaker condition than usuall. But as these very qualities I have mentioned seem to be aggravations of our loss, yett in any view we can take them, they are the Justest grounds of comfort that 'tis possible people can have for that loss w^{ch} we all so heartily grieve for. As he had many occasions of beneficence and generosity, I truly beleive he never lett one o' them slip, q^{ch} does make his memory lovely to all who knew or heard of him att least who thoroughly knew his character. And its too selfish in us to overgrieve since we have so good ground to judge him infinitely happyer than any he has left behind. If y^{r} La/ will apply but the half of these good advices q^{ch} you cou'd very well give to any body els in your circumstances, you 'll easily attain that temper q^{ch} you mention and so earnestly desire and I ha' no manner o' doubt of your doing. My not signifying my reall simpathy with and concern for your La/ grief sooner proceeded first from my uncertainty of your knowing itt, and afterwards that I was unwilling to doe any thing might att first augment y^{r} grief, and I was not either willing or fitt to write on the subject. My Wife who was in great concern and in particalur for your La/

'There were three Blumentrosts in Moscow in Peter's time—a father and two sons. The elder, Lawrence, a Dutchman, died in Moscow in 1705, before the opening of the medical school. Both he and his eldest son John left less mark upon their time than the younger son, Lawrence, who was born in Moscow and sent by the Russian government to Germany and Holland for his medical education.'—*Medicine, Past and Present in Russia*, by Dr. F. G. Clemow, p. 357.

on this occasion, offers her most humble Duty.—I am, Madam Your La/ most obedient son, and most humble servant,

J. Areskine.

Alva, febr^{y} 9th, 1718/9.

[*Addressed on the back:*]

For my Lady Alva att her house In Miln's-square, Edinburgh. to John Thomson's care.

XXIII

Patrick Campbell of Monzie to Sir John Erskine

D. B.,—Wee made our journey to toun verie well, but Kat. continues extreamly afflicted with the toothach.

Since I came I have been talking with my Lady your mother and with Charles upon the subject matter of your brother the Doctor's affairs, by my Ladys means your brother and I have obtained the sight of ane account how the doctor left his affairs to this effect One Hening ane officer of the Czars who commanded at the wells where the doctor died, and in whose house he lodged says that he wrote the doctor's will with his own hand. That he left 800^{lb} of his at London to his mother, His house books and curiosities which he valued at 16000 rix dollars to ane Hospital at Edin^{r}, his cloaths and other things about him to his valet de chambre and to the surgeon who waited on him, That he left the Czar executor of his will and that its in the Czar's keeping. My Lady has likewayes found out that letter of which you had a dark remembrance[1] and whereof I send you the Copie inclos'd at least of so much of it as remains legible. What occurrs to me upon the whole matter is That you write to doctor Strachan or any other person you think proper intimating your intention to administrate as Executor to your brother upon which he will advise whats necessary to be done on your part, And that when you have made a title to the money in Mr. Sambrock's hands that you order payment of such debts of the doctors as are just and lawfull and the remainder may lye as it is at present in East

[1] This seems to refer to the letter written by Dr. Erskine to his mother in 1704, when setting out for Russia, No. IV. p. 399.

India bonds 'Till the accompt I have mentiond is confirm'd, That is 'till its known how these matters really stand, for which end Charles and I intend next post to write a letter to S^r^ Henry Stirling of which you shall have a copie, mean time tell your opinion of what I have mentiond concerning the administration to—Your m. h. s., P. C.

Edin^r^ 12 Novem^r^ 1719.

[*Addressed on the back:*]

To S^r^ John Areskine of Alva to the care of the post-master at Stirling.

XXIV

Sir John Erskine to Lady Christian Erskine, his mother

Madam,—Without wishing ever to renew the remembrance of the grievous loss your La/ and all my brothers friends had by his death, either to you or myself, I join most sincerely in owning itt will ever be to me for many reasons, a very melancoly subject, and therfor as I wish seldom to have itt the object of my thoughts, I most willingly leaue itt.

I did indeed think it was most unfitt for me to make the least step in his affairs without your comands, especially when the only subject which att present appears in brittain is legated, so farr as we hear, to your La/, and I assure you Madam, I am so farr from beleiveing any body can blame you for accepting that mark of his respect and duty to you, that I applaud his dutifull gratitude to you in itt, for it may be called justly your due, who was not only most carefull of, and kind to him as a parent, but was by very much his greatest benefactrix till he was a great Monarch's favorite. I have therfor written as Monzie desired me and shal join with my brother and him in such methods as from time to time we shall find usefull for putting all his affairs att rights and in as just and true a light as possible.—I am, Your La/ most obedient son and Dutifull servant, J. Areskine.

Alva, 24^th^ Nov^br^ 1719.

[*Addressed on the back:*]

For My Lady Alva att her house In Milns-square, Edinburgh.

XXV

Sir Henry Stirling to Sir John Erskine

St. Petersburg, Aug. the 26, 1720.

My Dear Sr John,—You will I hope forgive me, that I have so long delayd my acknowledgments for your kind reiterated assurances of friendship and concern about me and my affairs, you know me too well to ascribe it to any wrong cause, and I doe assure you I have not one thought or wish unworthy of the Sparkish kind. I was in hopes to have wrote to you from a place less distant than the Great Czar's Town of Petersburg but as I have not as yett been able to bring the Doctor's affairs to a period, I am resolved to have patience a little longer, because I have hopes of doeing it to your satisfaction.[1] But least it should otherways happen I have sent to your B. C's a factory by which I have put it in your power to put matters a little to rights; so as I may still have left a fund for my old age, and to crack a bottle with the Tillibodie Club, I often wish myself with you and doe not yet despair of a merry meeting. I offer my kind compliments to My Lady Areskine and desire you would believe me that in all places and at all times I shall ever be My Dear Sr John, Your sincerely affectt and most humble servant,

Hen. Stirling.

[*Addressed on the back:*]

For Sir John Areskine, Barronet.

[1] When referring to Dr. Erskine's death, Mottley adds (iii. 134), 'The English Jacobites were supposed to have lost a good friend in this gentleman; but it was said that his relation, Sir Harry Stirling, under pretence of claiming the doctor's effects, was well received at the court of Russia, and had the care of the Pretender's affairs in his stead.'

THE WILL OF
CHARLOTTE STUART,
DUCHESS OF ALBANY

Edited by

A. FRANCIS STEUART

INTRODUCTION

THE following will of Lady Charlotte Stuart, Duchess of Albany, is printed from the copy which exists among the papers of Henry, Cardinal York, in the British Museum (Add. MSS. 30,475). It has not been printed until now, but is not without a certain interest of its own from its connection with the fortunes of the last Stuart prince, for although Cardinal York was instituted by his niece as her heir, one of the annuities he was burdened with by her will proved in later life a severe tax after the French Revolution, and was one of the many causes which induced him in 1800 gladly to accept a pension from King George III.

Lady Charlotte Stuart was the natural daughter of Prince Charles Edward Stuart and of Clementina Marie Sophie Walkinshaw. A short account of her mother and herself will not be out of place here, as a few new sources of information have come to light lately.

Clementina Walkinshaw was one of the ten daughters of John Walkinshaw of Barrowfield by his wife Catherine, daughter of Sir Hugh Paterson of Bannockburn. Her father, a laird of Lanarkshire, was deeply engaged in the Jacobite cause. 'Out' in the '15, he fought at Sheriffmuir, was taken prisoner, and only escaped from Stirling 'by the courage and address of his wife,' who exchanged clothes with him and remained a prisoner in his stead.[1] He joined the Old Chevalier at Bar le Duc; and in 1719 became the agent of his marriage with Princess Clementina Sobieska, whom, with the

[1] *Life of Lord Kames*, by Lord Woodhouselee.

Chevalier Wogan, he liberated from her 'custody' at Innsbruck, and who, in gratitude, gave her name to one of his younger daughters.

Clementina Walkinshaw seems to have been under eighteen when her father died in London in March 1731. Her name does not appear in his testament-dative,[1] but she was served one of his heirs-portioners on 23rd July 1731. Her father undertook in his marriage-contract (25th July 1703) to maintain his daughters 'in Bed, Board, and all other necessaries, and educate them at Schools virtue and learning sufficiently according to their degrees and Quality.' He left considerable property, and among his pictures his Jacobite leanings were shown by 'Item, Princess Lowiza's picture,' and 'Item, Generall Dalyell's picture.' Although well provided for, it must have been difficult for his widow, Lady Barrowfield, to maintain her large family. She died at Edinburgh, aged ninety-seven, November 25th, 1780.[2] Her daughters Anne, Helen, and Jean I have found few notices of. Of her other daughters, Barbara died unmarried at Edinburgh, 26th April 1780; Elizabeth died there 27th February 1787; Lyonella, widow of her cousin, Captain William Walkinshaw, died issueless, 4th October 1787; Mary, widow of James Campbell of Blytheswood, died childless, 24th September 1771. Margaret married her cousin, James Walkinshaw of that ilk, and dying at Edinburgh, 17th August 1782, left issue. There were only two more, Catherine and Clementina.

Catherine Walkinshaw, by some curious turn of fate, entered the household of the Princess-Dowager of Wales. She was one of her bedchamber-women, and is later styled housekeeper at Leicester House. Lady Louisa Stuart[3] writes of her as 'a genuine old wife,' and as 'the adviser of every Scotch family, the protectress of every raw young Scotchman.'

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[1] Register House, Edinburgh.
[2] *Scots' Magazine.*
[3] *Sir Walter Scott's Letters*, ii. 208-9.

She was born in 1715, and died full of years in Little Maddox Street, London, in November 1794,[1] and like her other sisters whose wills exist, made no testamentary mention whatever of her sister Clementina.

Clementina was probably the youngest daughter, and was of some beauty. The manuscript quoted by Dennistoun[2] states that Archibald Stuart, Provost of Edinburgh, and John, fifth Duke of Argyll, both sought her in marriage; but except that we have no tradition of her early youth beyond her statement that it was spent in London 'in great plenty,'[3] and that she was 'bred to business at Whitehall,' a phrase probably of political meaning. In the year 1746 she met Prince Charles Edward Stuart, at the house, perhaps, of her uncle Sir Hugh Paterson of Bannockburn, at which the prince visited. They became enamoured, and she gave him a promise to follow him in whatever circumstances 'whither fortune might lead him.'

The Prince's expedition failed, and Clementina, being a Catholic, obtained a nomination as chanoinesse of a noble chapter in the Netherlands from her uncle 'General Gram' [Graeme?], for which her birth qualified her,[4] but this did not prevent her joining Prince Charles at Ghent in 1752. She lived with him during his wanderings in France and in the Low Countries, bearing his various names and being always 'traitée comme son épouse,'[5] and during their residence at Liège the pair 'ont été connus publiquement et d'un chacun pour mari et femme.'[6] At Liège she gave birth to her daughter, Lady Charlotte Stuart, who was baptized in the parish church of Notre Dame aux Fonts, 29th October 1753, under the style of 'fille de S[r] Guillaume Johnson et

[1] Wills, Somerset House.
[2] Dennistoun's *Memoirs of Sir Robert Strange*, vol. II. App. vi. p. 323.
[3] *Life of Prince Charles Edward*, Andrew Lang.
[4] Memoir printed in *Œuvres de St. Simon.*
[5] *Ibid.*
[6] Brit. Mus. Add. MSS. 30, 475.

de la ditte Dame Caroline Pit,' the 'parrain' being the 'Noble Seignieur' George Frementen in name of the 'Noble Seignieur' André Giffard.[1]

The suspicions of the diminishing adherents of Prince Charles that through communications between Clementina and her sister Catherine Walkinshaw, the bedchamber-woman, secrets might leak out made them remonstrate in 1754 with the prince, and next year offer to give her and her child a pension if the prince dismissed them. The prince disclaimed their right to interfere with his actions, though his affection, never very deep, was rapidly dying, and said, swearing, 'I would not turn away a cat to please the scoundrels.' His treatment of Clementina grew worse: drink, jealousy, and poverty did not ameliorate matters, and her passion 'he brutally and ungratefully often recompensed.' At last she could bear his hard usage no longer. Taking her child, then in her seventh year, with her, she fled from Bouillon to a convent in Paris, where she hid herself under the protection of the archbishop. The prince was furious, perhaps the more so when she wrote to him 'it is reported that you are not yourself, that your head is quite gone,' and, though very desirous of obtaining the custody of 'the young filly,' his daughter, even to the extent of threatening to set fire to the Paris nunneries until he found her, never spoke of the mother again; and, protected by the King of France, she was forced to exist on a pension of 10,000 livres, granted to her by the prince's father, the Chevalier de St. George, until his death in 1766, when the pension, diminished by half, was paid to her by his younger son, Henry, Cardinal York.

In 1767 the Cardinal, who valued his 'rights' as his brother's next heir, having heard that a rumour existed that Clementina had been formally married to Prince Charles, obtained from her (probably by financial pressure) a formal

[1] Brit. Mus. Add. MSS. 30, 475.

declaration that such a report was 'void of all foundation,' signed by her at Paris on March 9th, 1767, but she wrote to recall this declaration the very same day.

The mother and daughter lived first at the Convent of the Visitation, then at that of the Holy Sacrament in Paris, and then at the Abbey of Notre Dame at Meaux-en-Brie, under the titles of Comtesse d'Albestroff and Lady Charlotte Stuart, until after the marriage of Prince Charles Edward (now the titular King Charles III.) in 1772 to the Princess Louise of Stolberg. Lady Charlotte then sent her father a long letter of appeal, and at last received a proposal from him that he should admit her (alone) into his household. This proposition could not have been agreeable, and next year Charlotte and her mother came to Rome to urge their suit, which was unpleasant enough to the newly married 'king.' By hints that their position might become worse, they were compelled to return to France, and Charlotte then in despair proposed to marry. This her father would not hear of, although she was 'one of the most accomplished young women,' and although she offered as an alternative to enter a religious mendicant order. She was forced to remain patiently in a convent until 1783, when the separation which followed upon the elopement of Louise of Stolberg left her father solitary.

He at once thought of his daughter, and summoned her to Florence. At first he even wished to fetch her himself, and applied to the King of Sweden for a passport to Paris in the name of Comte de Bielk. He had to send his Major-domo Stuart to bring her later, and she was accompanied by a Dame d'honneur, Mme. O'Donnell, a Frenchwoman, and an *écuyer* 'Lord' Nairn. Her father could not show sufficient interest in her now. He adopted her formally, legitimated and created her Duchess of Albany, with the approval of the King of France,[1] and obtained a French pension for her.

[1] *Hist. MSS. Com. Report*, Lord Braye's MSS. 236.

He proposed to strike a medal in her honour, and after her arrival in Florence, in October 1784, invested her on St. Andrew's Day with the Order of St. Andrew.

Louise of Stolberg writes, December 1, 1784, that Cardinal York was disgusted at the 'Old Man of Florence' giving his daughter the style of Royal Highness, but notes later, in April 1785, that the Cardinal had reconciled himself and given her the title. She—a prejudiced observer—was able to write also 'On dit sa fille fort raisonnable.'

Accomplished, tactful, and handsome (Sir Horace Mann says that her features were 'too much those of her father'), she soon reformed her father's court, and obtained unbounded influence over him. There were rumours that she would marry Adolph, Duke of Easter Gothland, the brother of her father's friend, King Gustavus III. of Sweden,[1] and, at another time, one of the Italian nobles, but none of these schemes came to anything. We get a pleasant glimpse of the duches in Florence in 1785 from the Abbé Dupaty: 'If benevolence of heart alone were necessary to entitle her to the throne of her ancestors she would soon ascend it. . . . The duchess showed me the presents made by Louis XIV. to James II. on his arrival in France. . . . She showed me the gold toilet the queen found in her apartment the evening of her arrival. *Times are greatly changed*, said she to me. She said no more. I mistake: she smiled. Her attention to her father is extremely affecting! When this old man calls to mind that his family have reigned, his tears flow not alone. The duchess weeps with him.' Burns celebrated her as the 'Bonnie Lass of Albany,' although to him she was but a name.

Prince Charles died at Rome on January 31st, 1788, in his daughter's arms, and by his will, dated in 1784, left her

[1] *Horace Walpole's Letters* (1764), viii. 521. Perhaps this was the origin of the statement that she married a Count Rohenstart of Sweden. (v. *Notes and Queries*; *Dict. Nat. Biog.*, art. 'C. Walkinshaw.')

residuary legatee of his property.[1] On his death she at once devoted herself to her uncle Cardinal York, but she had not long to live, as she died at the Palazzo Lambertini, Bologna, from the effects of a fall from her horse, on 17th November 1789. She was able, however, on 14th November, to make and execute the will now printed in favour of her uncle. The will is interesting, as it shows a clear, practical mind and a kind heart. She institutes her uncle as heir, but does not forget her mother and the latter's oblivious relations. She was not unmindful of her own household and the poor, desired to be buried without pomp in Bologna where she died, and remembered with legacies of money and books the Abbé Waters, the friend of her sad youth.

Clementina Walkinshaw survived her daughter many years. Lord Bute described her as a 'complete Frenchwoman, retaining no mark of her own country,'[2] and she seems to have kept up no communication with her own land. Cardinal York's annuity of 3000 crowns, or 'scudi tre milla,' was paid to her according to her daughter's will,[3] until the French Revolution, plunging him into poverty, reduced it to 1000 crowns. She then—as Countess d'Albestroff—retired about 1792 to Fribourg in Switzerland and died there, attended by an old man-servant, whom she made her residuary legatee, in November 1802. She died poor, bequeathing to Mr. Coutts, the banker, a small gold box, 'comme petit gâge de ses bontés pour moi,' and (like her daughter) did not forget her family, as she leaves this pathetic legacy,[4] 'to each of my relations, should any of them still remain, I give a louis, as a means of discovering them.'

A. F. S.

[1] This included a claim on the British Government for the arrears of the pension of Queen Mary of Modena, which had never been paid after her flight to France in 1688.

[2] Letter of Lady Louisa Stuart, *Sir Walter Scott's Letters*, ii. 208-9.

[3] In an appeal to the King of Spain in 1800 the Cardinal mentions that he is burdened with this sum 'alla madre della defonta nepote,' as well as a pension of 'quattro milla scudi' to Louise of Stolberg, 'sua cognata.'—Brit. Mus. MSS.

[4] Dennistoun's *Memoirs of Sir Robert Strange*, II. App. vi. p. 324.

THE WILL OF CHARLOTTE STUART, DUCHESS OF ALBANY

Add. MS. 30, 475, fol. 245.

1789, 15 Novembris.

CONSIGNATIO TESTAMENTI sue Celsitudinis Dñe CARLOTTE STUARD, Ducisse D'Albany nec non Die 17 eiusdem Aperitio, et publicatio eiusdem TESTAMENTI et Successiva consignatio Codicillorum Suprad^{e} Dñe DUCISSE ab Emo, et Rmo Dño D. ANDREA CARDINALE JOANETTO mihi fact^{o}.

In Christi Nomine Amen.

Anno ab illius Nativ^{te} 1789, Indictione 7^{a} die vero Lune 16 Mensis Novembris hora 18 cum. dimidio circiter Tempore Pontificatus SS^{i} in Christo Patris et Dñi Nri Pii Sexti Divina Providentia summi Pontificis.

PER comando dell' Emo e Rmo Sig^{r} Card^{e} Don Andrea Gioannetti degnissimo Arciv^{o} di questa Città, essendo stato io infrascritto Notaro chiamato a portarmi al Palazzo dell' Eccela Casa Lambertini, ore abita di presente Sua Altezza Donna Carlotta Duchessa d'Albany, ed essendomi cola portato, ed introdotto nella di Lei camera, dove essa giace gravissimam^{te} inferma, anzi quasi ridotta agli estremi di sua Vita; La med^{a} Sig^{ra} Duchessa in presenza del prelod^{to} Emo e Rmo Sig^{r} Card^{e}. Arcivescovo, non che degli altri due infrascritti M^{to} Revd^{i} Sig^{ri} Testimonii a tal preciso effetto pregati, ha colle sue med^{e} mani consegnato a me Not^{ro} Pub^{co}, ossia involto in carta bianca sigillato a foggia de Lettera con sopra dalla

parte anteriore la seguente Iscrizione-Testam^to di Mad. la Duchessa d'Albany scritto da me D. Andrea Card^e Gioannetti Arciv^o di Bologna ad istanza della med^a a tenore del Capitolo cum esses. E dalla parte posteriore munito di tre sigilli in cera rossa di spagna, che rispetto a quello di mezzo è il sigillo del prelod^to Sig^r Card^e Arciv^o, e rispetto alli due laterali sono due sigilli quali della prelod^ta S^ra Duchessa. Nell' atto della consegna del qual Plico a me Notaro fatta dalla prelo^dta Sig^ra Duchessa, il prelod^to Sig^r Card^e Arciv^o non potendo essa sufficientemente esprimersi per la grave di Lei malattia, essendo pero in perfetta Cogniz^e di mente, ha detto ad alta ed intelligibile voce, contenarsi in d^to Plico il testamento ed ultima voluntà della med^a S^ra Duchessa, che veniva consegnato a me Not^o per custodirlo fedelmente ed aprirlo ad istanza di chi avesse interesse, seguita la Morte naturale della med^a S^ra Duchessa, la quale cio udendo dalla viva voce del d^to Emo S^r Card^e ed anche ad interrogaz^e di me Notaro se in realtà in esso Piego si contenesse il suo test^o ha replicatam^te con cenni e con chinar di capo alla vista degl' infrasc^ti Testimonij ed anche con voce mal espressa, ma però bastantam^te spiegata ha asserito, ed affermato cosi essere. In seguito di che tale Piego io Notaro ricevendo, e mostrando agl' infrc^ti Testimonii, li ho pregati a voler essere presenti, e testimonii dell' atto della med^a consegna.

Actum Bononie sub Capella S. Blasij, et in Nobili Palatio Excelse Domus Lambertini sit^o in via vocata strada S. Stefano, et in apartam^to superiori, ac in quadam Camera cubiculari, lumen haben a curia interna d^ti Palatij, ibidem continuo presentiß admodum Redo P. D. Ignacio Augustino Scandellari sacerd^te cleric. regularium S. Pauli publico Bon^e Lectore Sac Theol^r, Examinatore Synodali, ac Confessario d^te D^e Testatricis, et Adm. Redo P. Magistro Joseph Terzi Congreg^s Augustinensis Observantie Lombardie degeß in Conventu S. Blasij, et hodierno Parocho sp^tr Ecc^e Partij S. Blasij Testibus ad predicta mecum dicentibus dictam Dominam Testatricem esse sane Mentis.

loc. ◯ sig.

De predicta consignatione Testam^ti rogatus sum ego Henricus Magnami filius d. Advocati Joannis Civis et publicus Bon^e Not^s Collegiatus Apostolicus et Imperialis. In quorum.

In Christi Nomine Amen.

Anno ab illius Nativitate 1789. Indictione 7, die vero Martis, 17 Mensis Novembris, hora secunda Noctis, Tempore Pontificatus SSmi in Christo Patris, et Dni Nri Pii Sexti Divina Providentia summi Pontificis.

Essendo di gia quinta in questa sera ad un ora di Notte la fatal perdita per la Morte di sua Altezza la Sig^ra Duchessa Carlotta d'Albany come asseriscono, ed attestano li qui presenti Emo, e Rmo Sig^r Card^e D. Andrea Gioannetti degnis^mo Arciv^o di questa città di Bologna, ed il M^to Rev^o P. Maestro Giuseβ Terzi odierno Parroco della Ch^a Par^le della defonta Sig^ra Duchessa, ed avendo io Notaro infrasc^to sotto il di passato sedici del cor mese avuto la consegna del di lei Testamento ed ultima volontà chiuso in un plico di carta bianca a foggia di Lettera, con Mansione da una parte scritta di mano del prelodato Emo Sig^r Card^e nel seguente modo cioé. Testam^to di Madama la Duchessa d'Albany scritto da me D. Andrea Card^e Gioannetti Arciv^o di Bologna ad istanza della med^a a tenore del Capitolo cum esses. Dall' altra parte poi di detto Plico sigillato con tre sigilli di cera rossa di spagna rappresent^ti rispetto a quel di mezzo l'arma dal prelodato Emo Arciv^o, e li due laterali lo stemma di d^ta Sig^ra Duchessa Testatrice, e fattasi istanza dal med^o Emo e Rmo Sig^r Card^e Arciv^o a me Notaro infrascritto per l'apertura del med^o Testamento. Per ciò costituiti in Camera ove giace defunta la sud^ta fu Sig^ra Duchessa Carlotta d'Albany, alla presenza dell Emo e Rmo Sig^r Card^e Arciv^o sud^to Testimonii e me notaro iñcti li Molto R.R.P.P. Maestro Terzi Agostino della Congr^e di Lombardia degente nel convento di S. Biagio, ad odierno Parroco della sud^ta ch^a, ed il P. D. Ignazio Agostino Scandellari ch^o Reg^re Bernabite degente nel collegio di S. Paolo, Lettor pubblico di Sacra Theologia, ed esaminat^re Sinodale, ambi Testimonii, e presenti all' atto della consegna fattami sotto il d^to giorno 15 del cor. Mese, del Plico contenente l'ultima volontà di d^ta fu Sig^ra Duchessa d'Albany. All

quali R.R.P.P. sud^ti alla presenza del prelodato Em̃o e Rm̃o Sig^r Card^e Arciv^o, e delli Testimonij infr̃etti mostratoli il Plico a me Notare consegnato, e di essi bene esaminato, come pure esaminati li tre sigilli esistenti nel Plico med^o spontaneamente lo hanno riconosciuto, e lo riconoscono per quello stesso dalla sig^ra Duchessa a me consegnato ed in ottre hanno detto, ed affermato, che d^to Plico é stato da me fedelm^te custodito, e conservato, e sopra le pred^ta cosa hanno ambe due a delazione di me Notaro giurato alli Santi Evangelii di Dio, tactis et more sacerdotalium omnium. Successivamente d^to Plico è stato de me Not^ro inf^to passato nelle mani di sua Em̃za Rm̃a qua la presolo lo ha con un pajo [de] forbici aperto, e consegnato a me No^re inf^to il quale si e ritrovato tutto scritto di mano, e carrattere dell' Em̃o Sig^r Card^e Arciv^o, a me pienamente cognito, l'ho letto ad alta ed intelligible voce alla presenza del prelodato Em̃o Arc^o ed degli infr^ti Testimonii ed è del tenore seguente cioè:

Nel Nome di Dio. Amen. Questo di 14 Novembre 1789. Trovandosi la Sig^ra Duchessa d'Albany per Nome Carlotta inferma di corpo gravem^te, sana pero di mente, e de suoi sentimenti per grazia del Signore, e non volendo partire da questo mondo senza aver disposto di quanto si trova avere di beni di fortuna, dopo aver ricevuto il S.S. Viatico, e raccomandata umilissim^te l'anima sua al suo buon Dio Creatore e redentore, cui nuovamente chiede perdono di ogni anche minima offesa, che pur troppo gli avrà dato in tutto il corso di sua vita, sperando nella infinita sua misericordia.

Dichiara in primo luogo, che vuole essere sepolta senza alcuna pompa, desiderando solo suffragi per anima sua, secondo che determinerà il Sig^r Card^e Arciv^o, che ha pregato a voler prendere, e scrivere il suo Testam^to raccomandandosi anche al med^o perchè non permetta che il suo corpo, fatto che sia cadavere, sia aperto in alcuna maniera, e se è possibile, sia tenuto sopra terra per quattro giorni non chiuso in cassa.

In secondo luogo si lascia sepolta in questa Parrocchiale Chiesa di S. Biagio di Bologna, alli di cui Poveri lascia cento scudi da distribuirsi loro dal P. curato med^o. Venendo ai Legati, o Pensioni prega il Real suo Sig^r Zio, che a basso costituisce suo Universale Erede, pregadissi a voler passare annualmente

Quindici Mila Franchi, dico Franchi $\frac{m}{15}$ a Parigi alla sua Sig^{ra} Madre vita sua naturale durante, con voler di piu accordare alla med^{a} la facoltà di poter disporre alla sua morte di cinquanta mila Franchi, dico Franchi $\frac{m}{50}$ a favore di alcuni suoi Parenti bisognosi.

Lascia a Madama Northen Annui due mila Franchi, dico Franchi $\frac{m}{2}$, sua vita naturale durante, e di più una scattola d'oro smaltata a Maille, e l'orologio Inglese, di cui giornalmente si serve l'Altezza sua pregando però il Reale suo Zio a volere anche più abbondantemente provedere d^{ta} Madama in caso che questa Pensione fosse scarsa. Lascia al Sig^{r} Can^{co} Cesarini rettore di Frascati cento scudi annui vita naturale durante, a dimostrazione del suo attacamento, e massime per qual rispetosso, e particulare affetto ch'essa ha per il Reale suo Zio.

Al sig^{r} Conte Monsig^{r} Consalvi una scattola a Maille per sua Memoria, Al Sig^{r} Ab^{te} Waters a dimostrazione di sue gratitudine verso il medesimo si per l'assistenza da lui prestata al suo Sig^{r} Real Padre che a Lei med^{a}, lascia annui scudi cento, dico S. 100 vita sua naturale durante, pregandolo ancora quando cosi piaccia al Reale suo Sig^{r} Zio, a volere assumere di essere suo esecutore Testamentario, come piu a basso.

Al Sig^{r} Ab^{te} Conte Castaldi una scattola d'oro liscio per sua Memoria, pregando in modo particulare il Reale suo sig^{r} Zio a volere prefrire il med^{o} alla prima occasione che avrà di disporre de un Benefizio Ecclesiastico.

Alle due sue Cameriere lascia tutta la sua guardarobba del corpo, e di più sessanta annui scudi per ciascuna, dico S. 60, loro vita naturale durante.

Al Sig^{r} Giacinto Bruni lascia cento scudi per una sola volta dico S. 100 e in oltre i suoi appuntamenti di due anni.

Alli suoi due Camerieri lascia per ciascuno annui scudi quarantotto dico S. 48 in ragione di quattro scudi al mese per ciascuno, loro vita naturale durante, e di più la paga di un anno, oltre il lutto, o scoruccio, che dovra loro farsi, siccome dovrà farsi a tutti gli altri Uomini e donne di suo servizio raccomandando all'amicizia del Sig^{r} Ab^{te} Waters, che si voglia, oltre agli altri incomodi, de quali a basso, prendersi anche questo delle vesti da lutto per il persone di suo servizio.

Lascia alla famiglia, che non ha livrea, cioè al Credenziere,

e Sig^{r} Capellano la paga, o sia gage di un anno, cio é l'appuntamento di un anno.

Il rimanente della famiglia, compreso il Moro da Livrea, resta dalla Sig^{ra} Duchessa Testatrice raccomandato caldamente alla sempre grande carità del Real suo sig^{r} Zio, lasciando ella intanto al detto rimanente della famiglia, compresso il Moro, la paga di due anni.

Lascia alli Poveri della sua Parrocchia in Roma cento scudi, dico S. 100, da distribuirsi loro.

Chiama poi ed istituice suo Erede Universale di tutti i suoi beni mobili ed immobile, ragioni, diritti, e azioni in qualsivoglia luogo, paese, provincia, e regno posti, il Reale Emo suo sig^{r} Zio Card^{e} Errico nominato Duca di York, e massime e segnatamente di tutte le gemme, Diamanti, e Ordini, propri della corona.

Del rimanente poi delle Gioja, biscà, argenteria di ogni sorta vuole che si formi con la vendita de med^{i} un capitale, con li di cui frutti si sodisfino le annue pensioni, o legati sopra descritti, che se li frutti di tal capitale costituito come si é detto colla vendita delle soprad^{te} cose di mera proprietà della Sig^{ra} Duchessa Testatrice, non bastino, prega grandemente la bontà e la somma affezione del Real suo Sig^{r} Zio Universale Erede, che voglia degnarsi di soddisfare tutte le soprad^{e} Pensioni.

Esecutore Testamentario di questa sua ultima volontà, quando ciò sia di consentimento, e piacere del Reale suo Sig^{r} Zio, chiama, e vuole sia il Sig^{r} Ab^{te} Waters sopra nominato al quale da' l'incombenza di fare d^{to} capitale nella maniera migliore che si potrà, oltre gli altri incomodi che si Lusinga vorrà volentieri addossarsi per l'amicizia, con cui ha sempre rigvardata la Sig^{ra} Duchessa Testatrice; pregandolo anche ad aver cura, perché i Sig^{ri} Medici, ed il chirugo siano degnamente sodisfatti siccome anche, che sia data al P. Scandellari suo confessore una recognizione per gl'incomodi sofferti nella sua Malattia.

Vuole ancora e prega il Reale suo sig^{r} Zio, che ringrazia quantosa e puo con la maggiore ardenza del suo cuore del singolare affetto, che le ha portato, assicurandolo, che essa muore volentieri tutta raccomandandosi al suo Creatore, e Redentore,

alla di cui volontà con tutto l'animo si assoggetta ed in cui pone ogni sua speranza della propria eterna salute, vuole dissi, e prega il Reale suo sig^{r} Zio a voler accettare la sua piccola Biblioteca per la sua di Frascati. Con questo però, che tutti qué libri, che l'Altezza Reale del suo Sig^{r} Zio Card^{e} non stimerà a proposito per d^{ta} sua Biblioteca sieno dati, e consegnati al nomienato suo esecutore Testamentario il Sig^{r} Ab^{te} Waters il quale è pregato a fare in modo, che sia pagato il viaggio a tutta la sua famiglia fino a Roma.

Incombenza ancora il d^{to} Sig^{r} Ab^{te} Waters a voler raccogliere tutte le carte, che appartengono alla Reale Casa e famiglia, e consegnarle al Reale suo Sig^{r} Zio. Le altre carte poi che appartengono alla sola sua Persona, siano date al fuoco per mano del med^{o} sig^{r} Ab^{te}.

E questa dichiara essere la sua ultima volontà, volendo nulla qualunque altra disposizione, che in qualunque tempo fatta avesse, e che questa sua ultima volontà abbia tutta la forza, e solamente si attende, la quale ultima volontà se non valesse per ragione di Testamento, vuole, e dichiara che sia valida in ragioni di codicillo in causa mortis, ed in ogni miglior modo. In fede di che la stessa Sig^{ra} Duchessa vi è sottoscritta di proprio pugno alla presenza degli infra ^{ti} Testimoni chiamati, e rogati.

CHARLOTTE Duchesse D'Albanie.

Io D. A. Card^{e} Gioannetti Arciv^{o} di Bologna ho scritto e sottoscritto la presente ultima volontà della soprascritta Sig^{ra} Duchessa ad istanza della medesima.

Io Fr. Giuseppe Terzi Parroco di S. Biagio sono stato presente al la lettura di questo Testamento, ed ho veduto fare la sopra posta sottoscrizione della detta Sig^{ra} Testatrice.

Io D. Ignazio Scandellari C. R. B^{a} fui presente alla lettura del presente Foglio, ed alla sottoscrizione della Sig^{ra} Duchessa.

Terminata da me Notaro inf^{to} la lettura del d^{to} Testamento, ed avendovi in esso vedute oltre le sottoscrizione della Sig^{ra} Testatrice e dell Emo Sig^{r} Card^{e} Arcivescovo, quelle de d^{ti} R.R. P.P. Terzi e Scandellari, ho alli med^{i} esibito il d^{to} Foglio, affinchè riconosca no non solo le loro rispettive sottoscrizione, ma eziandio quella della Sig^{ra} Testatrice, Li

quali da essi vedute, ed esaminate hanno detto, e col loro respettivo giuramento a delazione di me Notaro, tactis et more etc. riconosciuto, ed affermato, che le sottoscrizioni appiedi del foglio sud^to^ sotto li loro respettivi nomi, e cognomi cantanti, sono state fatte di loro propria Mano o Carattere, nel giorno 14 del corrente Mese, e cosi prima della consegna in forma segreta del pred^to^ foglio, seguita nel giorno sedici successivo, come pure hanno riconosciuto la sottoscrizione fatta dalla Sig^ra^ Duchessa defonta Testatrice, essere quella stessa sotto scrizione, fatta nel sud^to^ giorno 14 correnta alla loro presenza di propria mano, siccome pure hanno asscrito, ed affermato, e come sopra giurato, che il pred^to^ Testamento fu tutto alla loro presenza ricevutto e scritto di propria mano e carattere del prelodato Emo, e Rmo Sig^r^ Card^e^ Arciv^o^ a norma della volontà manifestatagli pure in presenza nostra dalla pred^ta^ Sig^ra^ Testatrice et super premissis et omnis etc. Acta fuere predicata sub capella Sti. Blasii, et in Nob. Palatio Excelse Domus Lambertini in via vocata Strada S. Stefano, et in appartamento superiori, ac in Camera cubiculari ubi jacebat defuncta prelaudata. Dña Testatrix, lumen habeñ a curia interna di Palatii ibidem continuo presentibus, audientibus, et intelligentibus Nob. viro Dño Comite Ugone Vernizzi. D. Co. Joseph Capelle S. Gregorii in Podiali, Rmo Dño Edegar Riva, olim Dñi Aloysii Capelle Sti Martini Majoris Canonico Perinsignis Coll^ii^ S. Marie Majoris, Rdo Dño D. Fabio Parisiolo Joseph, hodierno Parroco S. Petri Majoris, et ceremoniarum Magistro, Adm Rdo Dño Aloysio Marchetti filio Exm^i^ Dñi Doctoris Dominici Capelle S. Marie de Foscherariis, et Perillrē Dño Joseph, filio Dñi Jois Bapte Borgonzoni Capelle S. Mig. de Foscherariis Testibus et predictis.

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De pta aperitione rogatus sum ego Henricus Magnoni Pubblicus Bononie Notarius Collegiatus apostolicus, et Imperialis. In quorum, etc.

In Christi Nomine Amen.

Anno ab illius Nativitate 1789. Indictione T., die vero 17 Mensis Novembris, Tempore Pontificatus SSmi in Christo Patris, et Dñi Nri Dñi Pii Sexti Divina Provid^a^, Summi Pontificis.

Dopo la lettura da me Notaro fatta del Testamento della fal. mem. Sua Altezza la Sig^ra^ Duchessa Carlotta d'Albany, l'Em̃o e Rm̃o Sig^r^ Card^le^ Andrea Gioannetti degno Arcivescovo di questa città ha presentato a me Notaro inf^to^ in mezzo Foglio di carta da esso firmato, e dalli R.R. P.P. Giuseppe Terzi, e D. Ignazio Agostino Scandellari Testimoni esistenti appiedi di detto Foglio, dicendomi ed asserendome essere questa una ulteriore Disposizione di ultima volontà, in forma di codicillo ad esso consegnato dalla d^ta^ fu Sig^ra^ Duchessa, qual carta e stata da me Notaro ricevuto, ed è del tenore seguente, cioè, 'd 17 9b̃re 1789 All' ave Maria.'

'La Terza cameriera per nome Carolina Biduse due pezzi di velo ed uno di lino, e la Pensione annua come all' altre due, rincrescendole assai di averla scordata, e raccomandandola a V. A. R.; un piccolo orologio a M^r^ D'Azincourt; un regaletto a Monsig^r^ Erskine, ed altro al cavaliere di Bernis.' Cosi è D. A. Card^le^ Gioannetti Arcivescovo, Fra Giuseppe Terzi, Parroco di S. Biagio sono stato presenti come Testimoni al suscritto codicillo. Io D. Ignazio Agos^o^ Scandellari C. R^le^ di S. Paolo sono stato presente, e Testimonio al soprascritto codicillo.

In seguito di ciò interrogato da me Notaro il Molto Rd̃o Padre Maestro Giuseppe Terzi Parroco di S. Biagio se sia informato che la d^ta^ fù Sig^ra^ Duchessa abbia fatto verum codicillo, ossia schedula, mi ha egli mediante il di lui Giuramento toccandosi il petto more sacerdotali, a dilazione di me Notaro, &c. risposto nel modo segvente, cioè. Si signore, che la fù Sig^ra^ Duchessa d'Albany questa sera, ed un' ora prima di morire quantunque grandemente aggravata, sana però di mente, ha detto d'essersi dimenticata nel di Lei Testimonio di riconoscere la Terza Cameriera chiamata Carolina Biduse, Monsieur D'Azincourt, Monsig^r^ Carlo Erskine, ed il Sig^r^ Cavaliere de Bernis, e però ha pregato l'Em̃o Sig^r^ Card^le^ Arcivescovo a voler prendere scritto in una carta la di lei intenzione, da referire poi al Sig^r^ Notaro, e però sono stato presente, che la d^ta^ Sig^ra^ Duchessa ha di propria bocca detto, che sia dato dopo la di lei morte alla d^ta^ Carolina due pezzi di velo, ed uno di lino, e la Pensione annua come alle altre; a Monsieur D'Azincourt un Orlogio, ed un regaletto a Monsig^r^ Erskine, ed al sig^r^ Cavaliere de Bernis; qual Foglio è stato da me

sottoscritto dopo la sottoscrizione di sua Eñza ed è quello stesso che lei Sig^r Notaro mi mostra, e lo riconosco per tale, successivam^te è stato da me Notaro alla presenza degl' infr^ti Testimoni licenziato il d^to Padre Maestro Terzi, ed ho interrogato il P. D. Ignazio Agostino Scandellari, se sia a sua Notizia che la fu Sig^ra Duchessa d'Albany abbia fatto oltre il suo Testamento altro codicillo, o altra addizionale Disposizione, ed egli ha risposto, mediante il di lui giuramento differitogli da me Notaro, e da esso preso toccandosi il petto more sacerdotali nel modo seguente, cioè. Sono informato che le 24 ore di questa sera ritrovandosi la Sig^ra Duchessa agl' estremi di sua vita, ma sana di mente, e di cognizione perfetta ha pregato l'Emo Sig^r Card^e Arcivescovo a prendere le seguenti Disposizioni, alla terza Cameriera Carolina Bidusè Due Pezze di velo, ed una di lino, e la Pensione annua come alle altre; a Monsieur D'Azincourt un Orologio, ed un regaletto a Monsieur Erskine, ed al Sig^r Cavaliere de Bernis; le quali disposizioni sono state sottoscrite dall' Emo Arcivescovo, dal Parroco di S. Biagio, e da me, come riconosco dalla carta, che lei Sig^r Notaro mi presenta, che è la stessa, che ho sottoscritto; questo è quanto posso deporre in venerazione della verità, mediante il Giuramento da me come sopra preso. Quibus habitis, &c. Actum Bononie sub capella Sti Blasii, et in nobili Palatio Excelse Domus Lambertini in via vocata strada S. Stefano—et in appartamento superiori, ac in Camera Cubiculari ubi iacebat defuncta prelaudata Dña Testatrix, lumen habeñ a Curia interna d^ti Palatii, ibidem continuo presentibus Nob. Viro Dño Co. Ugone Vernizzi. Dñi Co. Joseph Cap^e S. Georgii in Podiali, Rmo Dño D. Jacobo Edegar Riva olim Dñi Aloysii Capelle S. Martini Majoris Canonico Perinsignis Collegiate S. Marie Majoris Rdo, et ad^m Dño Aloysio Marchetti filio Exña Dñi Doctoris Dominici Capelle S. Marie de Foscherariis Testibus et predictis, etc.

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De predictis rogatus sum ego Henricus Magnoni filius ob ad^ti Jois Civis ac Publicus Bononie Not^s Collegiatus Apostolicus, et Impis. In quorum hac die 18 9bris 1789.

Nos Dn. Andreas Card. Joanettus ex ordine Benedictino

—Camaldulensi, Presbyter Tituli S. Pudentiane Archiepiscopus Bononie et S. R. I. Princeps, Universis et singulis fidem facimus, atque testamur Sptum Henricum Magnoni esse Publicum Bononie Not^m^ Collegiatum, ac talem qualem se supra facit; eiusque scripturis, et rogitibus plenam adhiberi fidem in judicio, et extra. In quorum Fidem, etc.

Datum Bononie ex Palatio Archiepiscopali.

Hac die 18 9bris 1789.

D. A. Card. Joannettus Archiep. Bononie.

TRANSLATION.

I, the undersigned notary, being summoned by his Eminence the Lord Cardinal Don Andrea Gioannetti, worthy archbishop of this city, to the palace of the noble house of Lambertini, the present habitation of Her Grace, Charlotte, Duchess of Albany, repaired thither forthwith, and was introduced into the chamber where she lies seriously ill and almost at the last extremity. The said duchess, in the presence of the aforesaid Lord Cardinal Archbishop, and the undersigned reverend gentlemen summoned to be witnesses, with her own hands consigned to me, the public notary, a packet wrapped in white paper sealed in the shape of a letter with the following superscription on the face:—Will of the Duchess of Albany written by me, D. Andrea Card^e^ Gioannetti, Archbishop of Bologna, at the request of the said duchess, in accordance with the Capitolo *Cum esset*; with three seals in red sealing-wax on the back, the middle one being that of the said Lord Cardinal Archbishop, those on either side being the seals of the said duchess, and both alike. Upon the delivery of the said packet to me the notary, by the said duchess, she on account of her grievous sickness being incapable of speech, but in full possession of her consciousness, the said Lord Cardinal Archbishop, in a clear and audible voice, declared that the said packet contained the last will and testament of the said duchess; which was consigned to me the notary to be held in safe custody, and opened at the request of those interested after the natural death of the said duchess; who hearing this spoken aloud by his eminence the said cardinal, and in answer to the question put by me, the notary, whether the packet did in truth contain her will, by repeated signs and nods, in sight of the undersigned witnesses, and in a feeble but sufficiently audible voice affirmed and asserted that such was the case. After which

I, the said notary, taking the said packet, showed it to the said witnesses, calling upon them to bear witness of its consignment to me.

loc. sig.

[17th November 1789.]

In Christi Nomine Amen, &c.

The fatal loss of Her Grace, Charlotte, Duchess of Albany, by death, having taken place at one o'clock this night as is affirmed and attested by those here present, his Eminence the Lord Cardinal D. Andrea Gioannetti, most worthy Archbishop of this city of Bologna, and the very Reverend Father Maestro Giuseppe Terzi, at present parish priest of the parish church of the defunct duchess, I, the undersigned notary, having on the 16th of the current month received the consignment of her last will and testament in a packet wrapped in a sheet of white paper in the shape of a letter, with the following inscription on one side, viz. :— Will of the Duchess of Albany written by me, D. Andrea, Cardinal Gioannetti, Archbishop of Bologna, at the request of the said duchess, in accordance with the Capitolo *Cum esses*. And on the other side three seals in red sealing-wax, the middle seal bearing the arms of his aforesaid Eminence the Archbishop, and those on either side the arms of the testatrix the said duchess, his Eminence, the Lord Cardinal Archbishop, made application to me, the undersigned notary, for the opening of the said will. Being therefore assembled in the chamber where the said duchess lies dead, in the presence of his Eminence the Lord Cardinal Archbishop, witness abovesaid, of me the undersigned notary, the very reverend fathers, Maestro Terzi, Augustinian of the congregation of Lombardy, dwelling in the convent of St. Blaise, at present parish priest of the aforesaid church, Father D. Ignazio Agostino Scandellari, religious of the Bernabite order, dwelling in the college of St. Paul, public lecturer in sacred theology, and examiner to the Synod, both witnesses and present at the consignment made to me on the said 16th day of the current month, of the packet containing the last will of the said defunct Duchess of Albany. The packet consigned to me, the notary, being exhibited to the reverend fathers abovesaid, in the presence of the said Lord Cardinal Archbishop, and the undersigned witnesses, and being by them closely examined, together with the three seals upon the same, they unanimously recognised and do recognise it to be the same packet consigned to me by the duchess, and further state and declare that the said packet has been faithfully kept and preserved by me, and thereupon before me, the notary, both made oath upon the Holy Gospel, *tactis et more sacerdotalium omnium*. The said packet was then deposited by me, the notary, in the hands of his said Eminence, who received it and opened it with a pair of scissors, and delivered it to me the undersigned notary and it was found to be all in the handwriting of his Eminence the Lord Cardinal Archbishop, which is well known to me, and I read it aloud in

a clear voice in the presence of the said archbishop and the under signed witnesses, and its purport is as follows, viz. :—

In the name of God. Amen. This 14th day of November 1789. Her Grace the Duchess of Albany, Charlotte by name, being grievously sick in body, but of sound mind and in full possession of her senses, thanks be to God, not wishing to leave this world without disposing of those goods of fortune of which she is possessed, after having received the Holy Viaticum and humbly commended her soul to God, her Creator and Redeemer, and again beseeching His pardon for all even to the least offence which she may have given Him during the whole course of her life, and trusting to His infinite mercy—

Declares in the first place, that she desires to be buried without any pomp whatever, asking only such suffrages for her soul as may be decided upon by the Lord Cardinal Archbishop, whom she has requested to take down her will in writing, further recommending him not to allow her body after her death to be opened in any way, and if possible that it may be kept above ground for four days, not enclosed in a coffin.

In the second place she desires to be buried in the parish church of St. Blaise of Bologna, to the poor of which she leaves a hundred scudi, to be distributed to them by the curate of the said church. Coming to the legacies, or pensions, she requests her royal uncle, hereinafter constituted him her sole heir, to send to her lady mother[1] in Paris an annual pension of fifteen thousand francs during the term of her natural life, and further, to allow her the power of disponing at her death of fifty thousand francs in favour of any of her necessitous relations.

She leaves to Mrs. Northen[2] an annuity of two thousand francs for the term of her natural life, also a gold enamelled box, and the English clock which her Grace uses daily, further requesting her royal uncle to provide for the lady more abundantly should this pension not suffice.

To Canon Cesarini,[3] rector of Frascati she leaves an annuity of a hundred scudi, for the term of his natural life, as a mark of her attachment, and more especially on account of the respectful and particular affection which he has for her royal uncle.

To the Count Monsignor Consalvi she leaves an enamelled box as a remembrance.

To the Abbate Waters,[4] as a mark of her gratitude for his services to her royal father and herself, she leaves an annuity of a hundred scudi

[1] Clementina Walkinshaw.

[2] Her dame d'honneur, who had apparently succeeded Mme. O'Donnell. She is also called 'M. Countess of Norton' (Braye MSS., *Hist. MSS. Com. Report*, p. 239). In 1795 she was residing in Penna (*ibid.* p. 242).

[3] Mgr. Angelo Cesarini, afterwards Bishop of Milevi, for forty years an intimate friend of Cardinal York.

[4] Most likely a near relative of George Jean, Comte de Waters, who was banker to the Stuarts in Paris.

for the term of his natural life; further requesting him, if such be the pleasure of her royal uncle, to be her testamentary executor as hereinafter set down.

To the Abbate Count Castaldi she leaves a plain gold box as a remembrance, particularly requesting her uncle to be pleased to prefer him upon the first occasion he has of disposing of an ecclesiastical benefice.

To her two waiting-women she leaves all her wearing apparel, and an annuity of sixty scudi to each of them for the term of their natural life.

To Sig[r] Giacinto Bruni she leaves a sum of a hundred scudi in one payment, and two years' salary. To each of her two serving men she leaves an annuity of forty-eight scudi at the rate of four scudi a month to each, for the term of their natural life, also a year's wages, and their mourning, which is to be made for them, as well as for all in her service, both men and women, appealing to the friendship of the Abbate Waters to take upon himself, besides the other charges hereinafter stated, the task of providing mourning for those in her service.

To the unliveried members of her household, that is the steward and chaplain, she leaves the pay, or wages, or salary of one year.

The rest of her household, including the Moor in livery, are warmly recommended by the duchess, the testatrix, to the great and constant charity of her royal uncle, and moreover she leaves to the said remnant of her household, including the Moor, two years' wages.

She leaves a hundred scudi to be distributed to the poor of her parish in Rome.

She appoints and constitutes his royal Eminence her uncle Cardinal Henry, called the Duke of York, universal heir of all her goods movable and immovable, titles, rights, and shares, in any place, country, province, or kingdom whatsoever, and especially and expressly of all the jewels, diamonds, and orders belonging to the crown.

It is her will that all the remaining jewels, coins [?], and plate of any sort whatever shall be sold, the proceeds of such sale to form a capital, the interest of which shall be applied to the payment of the annuities, pensions, or legacies, abovesaid; and should the interest of the said capital, formed as aforesaid by the sale of the said articles, the personal property of the testatrix, not suffice, she earnestly entreats the goodness and great affection of her uncle and universal heir to pay all the said pensions. As testamentary executor of this her last will, if it meets the consent and approval of her uncle, she appoints the Abbate Waters above-mentioned, upon whom she lays the charge of forming the said capital in the best way possible, besides the other charges which she flatters herself he will willingly undertake out of the friendship he has always shown to the said duchess the testatrix; further requesting him to see that the doctors and surgeon be adequately remunerated, also that Father Scandellari, her confessor, receives some recognition of the trouble given him during her illness.

She further wills and beseeches her royal uncle (whom she thanks with

all her heart to the utmost of her power and ability for the singular affection he has always shown her, assuring him that she dies willingly, resigning herself with her whole soul to the will of her Creator and Redeemer, in whom she places all her hope of eternal salvation, that he will be pleased to accept her small library for his own at Frascati. With this condition, however, that all those books which his royal grace, the Lord Cardinal her uncle, shall not think fitted for his said library shall be given and consigned to her said testamentary executor, the Abbate Waters, whom she requests to so arrange that the journey of all her household to Rome may be paid for. She further charges the said Abbate Waters to collect all the letters belonging to the royal house and family and to deliver them to her royal uncle. All her purely personal letters to be consigned to the flames by the hands of the said abbate.

She declares this to be her last will, any other disposition made by her at any other time notwithstanding; this will alone to stand and be regarded. And should this said last will not be valid as such, she wills and declares it to be valid by virtue of the codicil 'in causa mortis,' and in every better way possible. In faith whereof the said duchess has affixed her signature with her own hands in the presence of the undersigned witnesses formally called upon to witness the same.

CHARLOTTE, Duchess of Albany.

I, D. A., Cardinal Gioannetti, Archbishop of Bologna, have written and signed this present last will of the above written duchess at her own request. I, Fr. Giuseppe Terzi, parish priest of St. Blaise, was present at the reading of this will, and saw the above signature affixed by the said testatrix. I, D. Ignazio Scandellari, C. R. B^{a}, was present at the reading of this present document, and at the signing thereof by the duchess.

I, the notary, having concluded the reading of the said will and examined the signature of the testatrix and of his Eminence the Lord Cardinal Archbishop as well as those of the Rev. FF. Terzi and Scandellari, exhibited the said document to them that they might recognise not only their own signatures but also that of the testatrix; and they having examined the same declared, and before me the said notary upon their respective oaths, *tactis et more*, etc. recognised and affirmed that the signatures affixed to the said document, being their respective names and surnames, were written by their own hands and in their own handwriting on the 14th of the current month, before the private consignment of the said document on the 16th day of the said month; also recognising the signature of the said defunct duchess, the testatrix, to be the same signature written by her with her own hand in their presence on the 14th day of the current month; and they further declared, affirmed, and made oath, as above, that the said will was all in their presence received and set down in his own hand and character by the aforesaid Lord Cardinal Archbishop according to the desire manifested in our presence by the said testatrix, *et super premissis et omnis*, etc.

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In Christi Nomine Amen, etc.

After the reading by me, the notary, of the will of her Grace, Charlotte, defunct Duchess of Albany, his Eminence the Lord Cardinal D. Andrea Gioannetti, worthy archbishop of this city, presented to me, the undersigned notary, half a sheet of paper signed by him and by the Rev. FF. Giuseppe Terzi and D. Ignazio Agostino Scandellari as witnesses to the said sheet, assuring me that this was an ulterior disposition of her last will, in the form of a codicil consigned to him by the said duchess, and the said document was received by me, the notary, and bears the following tenor, viz. :—17 November 1789, at the Ave Maria.

'The third waiting-woman, Carolina Bidusi by name, two pieces of velvet and one of linen, and the same annual pension as the other two, being very sorry for having forgotten her, and recommending her to Y. R. H. A little clock to Mr. d'Azincourt. A small present to Monsignor Erskine, and one to the Cavaliere di Bernis.' So it is. D. A. Cardinal Gioannetti, Archbishop. I, Fra Giuseppe Terzi, parish priest of St. Blaise, was present as witness to the above written codicil. I, D. Ignazio Agos° Scandellari, C. R. of St. Paul, was present as witness to the above-written codicil. After this, the question being put by me, the notary, to the Rev. Father Maestro Giuseppe Terzi, parish priest of St. Blaise, whether it was within his knowledge that the said late duchess had made a codicil or schedule, he made answer upon his oath, laying his hand upon his heart, 'more sacerdotali,' before me, the said notary, etc., as follows: Yes, gentlemen, the said duchess this night, an hour before her death, being very ill but of sound mind, said that she had forgotten in her will to mention the third waiting-woman, named Carolina Bidusi, Monsieur d'Azincourt, Monsignor Charles Erskine, and the Cavaliere de Bernis, and therefore she requested the Lord Cardinal Archbishop to take down her intentions in writing, as a letter, to be afterwards delivered to the notary; and I was present when the said duchess, with her own lips, said that after her death there should be given to the said Carolina two pieces of velvet and one of linen, and the same annual pension as to the others; a clock to Monsieur d'Azincourt, and a small present to Monsignor Erskine and the Cavaliere de Bernis. And the said document was signed by me, under the signature of his Eminence, and is the same as that now shown me by the notary, and I recognise it as such. After this the said Father Maestro Terzi was dismissed by me, the notary, in presence of the witnesses undersigned, and I interrogated the Rev. Father Ignazio Agostino Scandellari, if it was within his knowledge that the late Duchess of Albany had, besides her will, made another codicil, or other additional disposition, and having taken the oath administered by me, the notary, laying his hand upon his heart, 'more sacerdotali,' he replied as follows: I am aware that this night at the twenty-fourth hour, the duchess having come to her last hour, but being sound of mind and perfectly conscious, requested his Eminence, the Lord Cardinal Archbishop, to take down the following dispositions—To the third waiting-woman, Carolina Bidusi, two pieces of velvet, and one of linen, and the

same annual pension as to the others. A clock to Monsieur d'Azincourt, and a small present to Monsignor Erskine, and to the Cavaliere de Bernis. The said dispositions were signed by his Eminence the Archbishop, by the parish priest of St. Blaise, and by me, as I recognise from the letter shown me by the notary, which is the same which I signed. This is all I can depose, having regard to the truth upon the oath taken by me as above. Quibus habitis, etc.

Given at Bologna, at the Archiepiscopal Palace, the 18th November 1789.

D. A. Card. Joanettus Archiep. Bononie.

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REPORT OF THE SEVENTEENTH ANNUAL MEETING OF THE SCOTTISH HISTORY SOCIETY

THE SEVENTEENTH ANNUAL MEETING OF THE SOCIETY was held on Saturday, November 28, 1903, in Dowell's Rooms, George Street, Edinburgh,—The Right Hon. the EARL OF ROSEBERY presiding.

The following Report was presented by the SECRETARY, and held as read :—

Since our last Annual Meeting the Society has sustained a severe loss in the death of Mr. John Scott of Halkshill, one of the members of the Council. Mr. Scott had not only been a constant support to the Society by his wide knowledge of the sources of Scottish History and his willingness at all times to place his rich collection of rare manuscripts and books at our service, but he was recently engaged in the preparation of a volume of inedited pieces relating to Queen Mary, which was for some time postponed on account of his illness. It is feared that it will be no longer possible to carry through this work as intended.

On the other hand, the volume which Mr. Scott had proposed as a gift to the Society—the *facsimile* of Queen Mary's letter to the Duke of Guise (1562) from the original in his possession—was left by him in a fair way towards completion. Mr. Scott saw the *facsimile* executed and printed off to his satisfaction, and Father Pollen, who, at Mr. Scott's

desire, undertook to supply fresh notes and introduction, has had the good fortune to make some documentary discoveries in connection with it, which will add greatly to its interest and value. This volume is already in type, and will be issued as a gift from Mr. Scott to the members for the year 1902-3.

There have been five deaths in all during the year and three resignations, and when the vacancies have been filled up there will remain fifty-nine candidates for admission. The number of public libraries on our list is now seventy-seven.

A part of the issue of the present year, the *Chartulary of Lindores*, edited by Bishop Dowden, a work of which the Society may well be proud, is already in your hands.

Another volume belonging to this year's issue is a second volume of Miscellanies. This volume, of about five hundred pages, is in type, and will be shortly ready. In addition to the pieces already mentioned in previous reports, the Miscellany will contain some documents contributed by Dr. C. H. Firth, viz.: Two narratives of Hamilton's expedition into England in 1748—the Relation of Mr. Thomas Reade and the Relation of Sir Philip Musgrave. A metrical Narrative of a Tour from Edinburgh to Glasgow in October 1641 by P. J. This P. J. has not been identified, but he was apparently one of the friends or attendants of Lord Willoughby. The historic value of the poem is but slight, though it contains some details of interest in the description of Linlithgow Palace, but, as Dr. Firth observes, it forms a supplement of the Descriptions of Scotland by English travellers, collected and republished by Professor Hume Brown. Dr. James Colville contributes some quaint and instructive letters by Cockburn of Ormiston to his gardener, 1727-43. The Reverend Robert Paul edits 'Letters and documents relating to Robert Erskine, Physician to Peter the Great, 1720.' Mr. R. S. Rait publishes from a manuscript in possession of one of our members, Mr. W. Moir Bryce, a muster roll of the French garrison occupying Dunbar in the days of Mary of Lorraine (1553), and Mr.

Francis Steuart prints the Will of Charlotte Stuart, Duchess of Albany, 1789.

There are passing through the press three other volumes which will be ready for issue in the course of next year, 1903-4. Sheriff Scott Moncrieff is making good progress with his edition of Mr. Weston's manuscript, the *Proceedings of the Justiciary Court*, 1661-73, and this will make a volume of over five hundred pages.

Mr. William Mackay has the greater part of the Fraser book, better known as *The Wardlaw Manuscript*, in type.

Early in the year also will appear, under the editorship of Mr. Robert Scott, lecturer on Political Economy in the University of St. Andrews, *The Minutes of a Scottish Cloth Manufacturing Company at New Mills*, 1681-1690, from the Laing Manuscripts in the Edinburgh University Library. It is a unique document, inasmuch as it is the only example of the proceedings of a manufacturing company of the seventeenth century that is known. Mr. Scott writes that, 'Owing to the movement for founding manufactures in Scotland just before the Union, the MS. throws much light on the commercial policy of the time by means of grants of certain privileges to trading corporations, and it also shows some of the indirect means by which such concessions were obtained.'

These publications will be followed by the Ochtertyre Household Book, kindly placed at the disposal of the Society by the owner of the manuscript, Sir Patrick Keith Murray. Dr. Colville, who has made it and kindred account-books the subject of special study, will edit it. He remarks that, under the title *The House Books of Accompts*, beginning Jan. 1, 1737, we have an account day by day of the economy of a baronial house just before the profound changes effected by the '45 and the abolition of heritable jurisdiction (1748). The scene is laid partly in Ochtertyre in Strathearn, but mainly in Fowlis-Easter, a few miles to the north-west of Dundee. The

record, which ends in the spring of 1739, gives the household expenses and the dishes served at table, while indirectly it illustrates modes of social intercourse, and the food-supply from the garden, the farm, and the forest.

The Council have also accepted Dr. Wallace-James's offer to edit for the Society the *Register of the Monastery of Inchcolm* from the transcript in the Advocates' Library.

According to rule, Mr. Æneas Mackay, Sir James Balfour Paul, and the late Mr. John Scott would fall to retire from the Council. It is proposed to re-elect Sir James Balfour Paul and to appoint Professor Rankine and Sir Thomas Gibson Carmichael to fill the other vacancies.

The Council have accepted with much pleasure the services of Mr. Francis Steuart as honorary assistant to our Secretary. Mr. Steuart is well acquainted with the work of the Society, and will help us materially to overtake its increasing business.

The accounts of the Honorary Treasurer show that there was a balance, at 28th October 1902, of £386, 13s. 2d.; that the income for the year 1902-1903 was £528, 6s. 4d. The expenditure for the same year was £326, 9s. 2d., leaving a balance in favour of the Society, as at 24th October 1903, of £585, 7s. 4d.

Lord Rosebery, in moving the adoption of the Report, said—Well, ladies and gentlemen, my only cause for surprise is that the list of apologies to-day is not interminable, because we meet under climatic conditions which are more suited to the tryst of Macbeth's Witches than to the meeting of the Scottish History Society. My only comfort must be that the room is absolutely full, so that it is just as well the weather was not finer. But we of the Scottish History Society may warm ourselves with the contemplation of our own prosperity, because, under the guidance of our secretary, Mr. Law, to whom we owe everything, we certainly are enabled to present a report to you which is of the most cheerful and encouraging character. We have, in the first place, an overflowing membership, limited, of course, by the regulations of the Society, but

overflowing to this extent that there are such a number of candidates that a calculation makes one gather that the junior candidate will have to wait about fifteen years before he is admitted to the Society;—no, perhaps rather less, twelve years before he is admitted to the Society. Well, that on the principle of *suave mari magno*, the principle of watching the distress of your fellows with great equanimity, should be singularly amusing to the members of this Society, and I ought not to omit one essential feature of our complacency, which is the admirable balance at our bankers on deposit receipt, which gives promise of our being able to afford any rational enterprise, any rational literary enterprise, in which we may wish to engage. Well that is not the only source of complacency which we have to-day. That I think really lies in our publications and the standard to which they adhere. Our standard, as I have frequently said at these meetings, is a high one. I think it has been admirably maintained by the dainty dishes—the dainty historical dishes—which the Society has prepared to set before its members this year. Indeed, one of these is already in our hands. That is the *Chartulary of Lindores*, edited by our valuable fellow, Bishop Dowden. And to one or two of the others I have had the privilege of access in their semi-cooked condition, that is to say, in proof. Now, those, I venture to say, will not yield in interest to any that have been presented to you. One is the valuable letter of Mary Queen of Scots to the Duke of Guise, which belonged to our lamented colleague, Mr. Scott, of Halkshill, and which has been presented by his family to the Society. Now, to expatiate on that document would require more leisure and more learning than I possess. But I am quite certain of this, from my partial examination, that it is one of the most precious documents that we have yet been able to present to our members. Then we are going to give you a *Miscellany*. The *Miscellany* is so full of excellent stuff that it is extremely invidious to make any selection from its contents. There is a poetical Journey through Scotland, or, at any rate, from Edinburgh to the West, in the year 1641, which, though rather Rabelaisian in detail, is of singular interest to any one interested in the condition of Scotland at that time. It has a melancholy interest to an inhabitant of Linlithgowshire like myself, because it shows that the desolation of the Palace of Linlithgow is not so entirely attributable to the soldiers of the Duke of Cumberland as is generally supposed, but that in the

year 1641 it already was in rather a decrepit condition. There was a roof missing:—

> 'And thus agreed we went to see the hall,
> Which had no tiles to cover it at all.'

That shows that the Stuarts—perhaps the Stuarts can hardly be blamed at that time of crisis—were not so careful of that interesting Palace as they ought to have been, even at the time when they held their dominion in this country. Of course, that makes me shed a silent tear over the project which I have so constantly tried to hold forward of the restoration of Linlithgow Palace on the occasion of every national commemoration, which seems as remote as ever at the time at which we are speaking. Then there is also in this volume another chapter which is to me of singular interest. I mean the Will of the ill-fated daughter of Charles Edward, the Duchess of Albany. I say ill-fated from the shortness of her life and its somewhat gloomy character. But this will, and the documents relating to the will, have never yet been published, and I think they make a valuable addition to the Stuart literature, which is so greatly in request at this time. There are at least six or seven other items of conspicuous interest in the book. There is one which appeals to me perhaps more than any other, and it is the collection of homely letters of Cockburn of Ormistoun to his gardener. I think they are so interesting that they ought to be kept out of the *Miscellany*. Not that I mean by that to disparage the character of the other contents, but I think in this age of gardening literature, when the rage for that species of reading has increased so as to produce many trashy and worthless works—at least works which seem to the uninitiated as somewhat shallow—it might be well to publish what is an authentic series of documents of a Scottish gentleman and his gardener in the beginning of the first half of the eighteenth century. Besides, to those who don't appreciate gardening literature, because they are not sufficiently gardeners, there is a charm about this little book which it is extremely difficult to over-estimate. If I might classify it, I should put it among that rare collection of books which people can enjoy by their bedside. I don't mean by that, that books of that description should be opiates. That is not my view, though, indeed, we should be very glad to have literary opiates by our bedside. But what I mean is that the book does not sufficiently excite the attention to keep you awake, which is pleasant and healthy to

read, which you can break off with at any moment when you feel the drowsy god overcoming you, and which leaves a pleasant impression on you when you throw it down by your bedside. Now, I think my friend Cockburn's letters to his gardener answer to this description, and I am not disparaging them when I say that the gardener himself appears to be not wholly worthy of them. I think that we in our generation may appreciate them more than the gardener did. 'Charles,' says Mr. Cockburn, on the 3rd of February 1741, 'I had yours of the 23rd. If you would read my letters over it would save me much of writing, as from your not reading of them I am obliged to write the same things over and over, and frequently the last time of writing the same thing comes too late, as I fear what I am now to write will do.' Then he goes on:—'I have in writing this to show you how your not reading my letters disconcerts me, and to show you how reasonable my request is when I repeat my desire that you'll read my letters.' Well, if the gardener to whom they were addressed did not read them, the somnolent reader may be excused if he occasionally skips as the hour of slumber draws near. They furnish besides to those who are not horticulturists a certain amount of intelligent interest as to their fascinating pursuit. I read under some apprehension from an imprint to a class of social reformers this letter which was written in 1743:—'Tell Mrs. Miles that I had a letter from a gentleman who was at the last club (a Farmers' Club) bantering me for there being no good malt drink at Ormistoun. I had no excuse to make, but to acknowledge the obstinate stupidity of our people — who talk of being good countrymen but act against anything which can improve it. We complain of barley being cheap, and yet we won't do anything towards adding to the consumption of it. I suppose she would be glad of more custom, and yet she won't keep drink which would bring her customers.' That seems to me to refer to almost a prehistoric period. My friend does not confine himself to this. There is a passage somewhat similar, but which reflects on our national character in a way which ought, I think, to add to our national complacency, because the faults Mr. Cockburn finds in the passage I am about to read are no longer charged against the Scottish people. 'This seems a demonstration to me, but I will maintain no argument to which a good answer can be given, though till I get one I shall ascribe our not succeeding in many things, as I think we may, to our inactivity and slow thinking and acting,

in both of which our people proceed as half-asleep, without any lively spirit in contriving or executing, and I really believe much of this proceeds from our low diet, both in eating and drinking. Our common food gives little strength to either body or mind, and our malt drink is the most stupefying stuff ever was contrived.' The editor, Dr. Colville, contributes a very interesting preface to this little volume, but I venture to take exception to one small passage of it, in which he says the letters leave no doubt of the fact that Cockburn read and spoke English, and that farmers like Wight, and even Bell, the gardener, and Dods, the ploughman, understood it, and yet we are told that the speech of Scotsmen, like Cockburn, who sat in the English Parliament after the Union—how did 'English' creep in here? I am afraid we shall have a remonstrance; it certainly was a British Parliament—was the source of wonder and amusement to the southern members. But after the examples set before us this must be placed alongside some romances of history written for modern consumption. Well, I think we may consider the two things much more compatible than Dr. Colville thinks, because although Cockburn might write the purest of English, his pronunciation in those days might be somewhat unintelligible to an English Parliament, and I think we ourselves can remember men who wrote the purest of English whose accent was the purest Doric which could be conceived, and I myself greatly regret that that accent was ever allowed to die out. Now, I will not detain you any longer, because though this room furnishes an agreeable asylum from the climate outside, yet we have other business which I think more important than making or listening to a speech. But I want to urge—and I think I may urge it from the deep interest you know I take in this Society—I want to urge that in all our projects we should keep in view, and strongly in view, the human aspect of Scottish historical literature. My late friend Sir William Fraser contributed an immense mass of very valuable family literature in the shape of those histories which we all know. I always thought the defect of these histories—and I did not conceal it from himself—was that they did not give sufficient place to the human element. There were too many charters, valuable, no doubt, to the scientific historian, but not popular reading, and not appealing to the special mission of a Society like this. What, I think, we who had so much to do with the foundation of this Society had mainly in view was to preserve for posterity the

records of the social and family and human life—if I may so express myself—of Scotsmen who lived here before ourselves. I think that charters, historical documents couched very often in Mediæval Latin, should be left rather to societies formed for the purpose of preserving such documents, and that we should, as far as possible, confine our energies to those family papers, diaries, account-books, and what not, which served to throw light on the domesticity of the past, and to give us some inkling—it can never be more than an inkling—of what the people inhabiting this country before ourselves were like. Not that I disparage the other work, or wish to exclude it, but I wish to lay special stress on the domestic side of our work. It may be a humble feeling, but I suspect it is much more common than is generally supposed, to wish to know exactly what our forefathers were like—what they did, how they lived, what was, so to speak, to use a modern expression, their atmosphere. Very often the old account-books which have been preserved by the care of this Society gave one a better idea of how a Scotsman of the seventeenth or eighteenth century spent his day than all the histories of Scotland that ever were written. That is a cause for which I venture to plead, and I venture to ask those who are in possession of such documents to let the Society have the opportunity of inspecting them with a view to printing them. Documents do not last very long. The ink fades; they become dusty. Handmaids have a tendency to throw them into the fire. I have always thought that our most useful function was in keeping such records in a readable and accessible form. I may be wrong, but I venture to think that we cannot do better work, as a Society for the promotion of Scottish history, than in the humble and unobtrusive task of letting every man know in every degree of life, so far as in us lies and so far as documentary evidence exists, how our forebears lived and worked and carried on the business of their country in their separate spheres. I beg to move the adoption of the report.

Mr. Fitzroy Bell seconded the adoption of the report, and the motion was unanimously agreed to.

Lord Rosebery next said—Now, ladies and gentlemen, I come to the real business of this meeting, which will not require such a long speech as I have already made to you. There is not a person here, and there is not a person conversant with the work of this Society outside, who does not know the deep debt, the eternal

debt, of gratitude we owe to our Secretary, Mr. Law, who has been the life and soul of the Society. He has acquired documents for us, he has superintended their printing, he has weeded the documents he has chosen, and from day to day and from hour to hour, all through the years the Society has existed, Mr. Law has been its moving spirit. Most of us—some of us at anyrate—I am certain of the President—are mere figureheads of the Society, and the moving spring of all the machinery which has had such a beneficent and useful result has been Mr. Law. Unhappily, the health of Mr. Law has not been all that could be wished, and I think he has shown conspicuously his courage in facing the elements to-day and giving us the pleasure of seeing him amongst us, and enabling us to show him some slight testimony of the universal gratitude that we feel to him. This year it occurred to some of us, and we are grateful to those to whom it occurred, that the present offered a suitable occasion for showing Mr. Law some slight testimony of the esteem and gratitude we feel for him, and the result has been that we have purchased a valuable symbol in the shape of this silver bowl, which will enclose a cheque for £210, which I here put into it, and which has been raised by subscriptions limited to a guinea from members of the Society. Now, ladies and gentlemen, I know it is your wish that I should hand it to Mr. Law with an expression of our devoted gratitude to him for his great and inestimable services to us, and hope that he may be long spared to enjoy it, and that it will recall to him in his quiet retirement the grateful and affectionate sentiments felt for him by the whole of the Scottish History Society.

The Silver Bowl bore the following inscription:—'Presented, with a purse of two hundred guineas, to Thomas Graves Law, LL.D., by members of the Scottish History Society, in recognition of his valuable services as Honorary Secretary of the Society from its commencement in February 1886.—28th November 1903.'

Mr. Law, in acknowledging the gift, said—My Lords, Ladies, and Gentlemen—How am I adequately to express the feelings, with which I am well-nigh overwhelmed, at the sight of this magnificent testimonial. In the first place, let me say that never was I more surprised than when I first heard of what was being done. I had never dreamt of such a thing. The work has been always to me

an absorbing interest and pleasure, and its success has been more than enough reward. And when I read the words of your circular, expressed with such delicacy, tact, and kindness, over the honoured names of Lord Rosebery and Professor Masson, I could only say to myself, This is a day worth living for. If you, ladies and gentlemen, wished to give me, at the close of my career, a supreme gratification and pleasure by thus assuring me, in this generous manner, that my work among you has been appreciated, you have indeed succeeded. It was also a kind and considerate thought to present this welcome gift in so handsome a vessel. The bowl is something tangible to remain behind me, and to be treasured, as it will be, by my wife and family, and by my young son, who even now insists on having his finger in the pie of our Miscellany volume.

An occasion of this kind tempts one to a certain amount of egotistical reflection, and if for a moment I refer to personal reminiscences, I trust I shall not be indiscreet. I was in fact thinking to myself, Is there anything in my work for the Society upon which I can plume myself? Is there any good stroke of business for which I can take credit to myself? And my mind reverted to the first council meetings of the Society, in one of which I found myself in a minority of one. I was instructed to prepare a draft of the constitution. We came to the question who was to be President. Well, there could be no hesitation here—obviously Lord Rosebery.

I must remind you, parenthetically, that the Society originated in a letter from Lord Rosebery to the *Scotsman*, February 1886, pointing out that while many societies were busy in bringing out new editions of old works, there was room for another which should deal more exclusively with the publication of unedited scraps of historic interest. The suggestion was taken up by Bishop Dowden, who said that he and some friends had in contemplation the formation of some such historic society on perhaps a more limited basis; and he generously offered to merge his own scheme in that of the broader one outlined by Lord Rosebery. A General Committee to carry out the project was then formed, under the convenership of the Bishop. It is on this account (I may mention) that by an unwritten law of the Society Bishop Dowden is retained as a permanent member of our Council.

Well, the presidentship being settled, I was about to proceed to the next item on the Agenda, when a chorus of voices arose—

Who are we to have on the right and on the left of Lord Rosebery? Who are to be our Patrons and Patronesses and Vice-Presidents? There was evidently a desire to print at the top of our Prospectus an epitome of the peerage. I protested that this would be to reduce Lord Rosebery to a figurehead. He was to be our President, not because of his rank in the nobility, but because he was the best man for the work. Lord Rosebery knows his countrymen well—no one better; he knows the subject—Scottish History—and he is no stranger to historic research; his words rightly carry the greatest weight, and if he would but consent to be our leader, the Society *must* be a success. A gentleman for whom I had the greatest respect afterwards came to me and pleaded—pleaded almost pathetically—for at least a Marquis, but I would have no 'Marquis.' It was not the coronet we wanted, but the brains, the eloquent and persuasive tongue, the masterful leadership, and the enthusiasm, tempered and made sane with common sense and sound practical wisdom. Ladies and gentlemen, as you see, I ceased to be in a minority of one. May I not take credit to myself here?

But do not let me sail under false colours or give me credit where credit is largely due to others. Where should I have been, for example, without the assistance of my true and constant friend, our honorary treasurer, Mr. Clark, always at my hand with the aid of his wise counsel and experience? Let me mention too the name of one hardly known to any except editors, one of my assistants in the Signet Library, Mr. Alexander Mill, the prince of index-makers. He has burnt much midnight oil in clerical work for the Society, and has practically acted as my clerk. Then I look across the way to those great printing presses of T. and A. Constable in Thistle Street. There is a popular impression that those printing presses are machines into which you chuck a quantity of copy, which emerges as a finished book. I have learned what intelligence and skill are needed behind the machines; and here we have had the benefit not only of the commercial experience of a great firm, but of keen individual interest in all that concerns the production of our volumes. Look at the mere title-pages, which we wisely leave to the artistic taste of Mr. W. B. Blaikie. They are, to my mind, typographical masterpieces. I must not forget the Council's goodness in giving me the aid of Mr. Francis Steuart as assistant secretary. I am indebted to him, too, for much kindness.

Then, ladies and gentlemen, can you wonder, with such a ship and such a crew, and such a captain in command, your humble helmsman finds the greatest pride and pleasure of his life in his post at the wheel? Long life to the Scottish History Society!

Sir THOMAS GIBSON CARMICHAEL moved a vote of thanks to Lord Rosebery for presiding.

Mr. W. B. BLAIKIE seconded, and in doing so said he did not think he had ever heard Lord Rosebery in happier vein than he had been that day, particularly in the words he had addressed to their honorary secretary. He could not allow the opportunity to pass without adding his testimony to what had been said of Mr. Law. There was none of his friends who had known him longer since he came to Edinburgh than he had done, and probably no man had been more intimately thrown into business relation with him. Lord Rosebery had with admirable taste referred to Mr. Law's public record, but only those who had worked with him in private knew what an inspiration Mr. Law had been. His devotion to the aims and work of the Society had been such that no one who had anything to do with Scottish History matters could forget it. Mr. Law communicated to those who worked with him and for him a wealth of enthusiasm, while his unfailing help and encouragement filled them not only with admiration but still more with affection for himself. This little testimonial, though a tangible record which it was satisfactory to see, was a mere nothing in comparison with the services which Mr. Law had rendered. He was glad that Mr. Law's family were present to hear and see how he was loved and honoured, and he was certain that they would ever remember the kindly words which Lord Rosebery had this day spoken of him.

LORD ROSEBERY acknowledged the compliment in a sentence, and the proceedings terminated.

ABSTRACT OF THE HONORARY TREASURER'S ACCOUNTS

For Year to 23rd October 1903.

I. Charge.

I. Balance in Bank from previous year—							
(1) On Deposit Receipt, . .	£350	0	0				
(2) On Current Account, . .	36	13	2				
				£386	13	2	
II. Subscriptions, viz.—							
(1) 400 subscriptions for 1902-3, at £1, 1s., . . .	£420	0	0				
4 in arrear for 1901-2 received,	4	4	0				
	£424	4	0				
Less 8 in arrear and 1 in advance for 1902-1903, .	9	9	0				
				414	15	0	
(2) 77 Libraries, . . .	£80	17	0				
1 in advance for 1903-1904, .	1	1	0				
	£81	18	0				
Less 3 in arrear and 3 in advance for 1902-1903, .	6	6	0				
				75	12	0	
(3) Copies of previous issues sold to New Members, ...				24	3	0	
III. Interest on Deposit Receipts, ...				13	6	4	
IV. Overcharge in an Account, 1901-1902, refunded,				0	10	0	
Sum of Charge, . . .				£914	19	6	

II. Discharge.

I. *Incidental Expenses*—							
(1) Printing Cards, Circulars, and Reports, ...	£7	0	0				
Carry forward, .	£7	0	0				

Brought forward,	£7	0	0			
(2) Stationery, Post-cards, and Receipt Book,	5	4	0			
(3) Making-up and delivering Publications,	12	9	1			
(4) Postages of Secretary and Treasurer,	3	18	8			
(5) Clerical Work and Charges on Cheques,	5	8	3			
(6) Hire of Room for Annual Meeting,	1	1	0			
				£35	1	0
II. *Lindores Register*—						
Composition, Printing, and Paper,	£105	1	0			
Proofs and Corrections,	39	4	6			
Photographs and Engravings,	15	11	0			
Binding and Back Lettering,	18	12	4			
Indexing,	5	0	0			
	£183	8	10			
Less paid, 22nd Oct. 1902,	56	17	0			
				126	11	10
III. *Miscellany, Vol. II.*—						
Composition to date,	£69	4	0			
Proofs and Corrections to date,	18	14	0			
Transcripts,	14	0	6			
Photographs,	1	12	4			
				103	10	10
IV. *Macfarlane's Topographical Collections*—						
Transcripts,				16	11	6
V. *Wardlaw Manuscript*—						
Composition to date,	£10	0	0			
Transcripts,	15	0	6			
				25	0	6
VI. *Minute Book—New Mills Cloth Manufactory*—						
Composition to date,				5	0	0
Carry forward,				£311	15	8

	Brought forward, .			£311	15 8
VII.	*Justiciary Records*, 1661-73—				
	Transcripts, ...			13	8 0
VIII.	*Fordun's Scotichronicon*—				
	Transcripts, ...			1	5 6
IX.	*Balance to next account*—				
	Sum due by Bank of Scotland on 23rd October 1903—				
	(1) On Deposit Receipts,	£550	0 0		
	(2) On Current Account,	35	7 4		
		£585	7 4		
	Three Subscriptions for current year received and lodged in Bank subsequent to closing of account, ...	3	3 0		
				588	10 4
	Sum of Discharge, .			£914	19 6

EDINBURGH, 11*th December* 1903.—Having examined the Accounts of the Honorary Treasurer of the Scottish History Society for the year to 23rd October 1903, of which the foregoing is an Abstract, we beg to report that we have found the same correct and properly vouched, closing with a balance of £585, 7s. 4d., of which £550 is on Deposit Receipt and £35, 7s. 4d. on Current Account.

RALPH RICHARDSON, *Auditor.*
WM. TRAQUAIR DICKSON, *Auditor.*

Scottish History Society.

THE EXECUTIVE.

1903-1904.

President.

THE EARL OF ROSEBERY, K.G., K.T., LL.D.

Chairman of Council.

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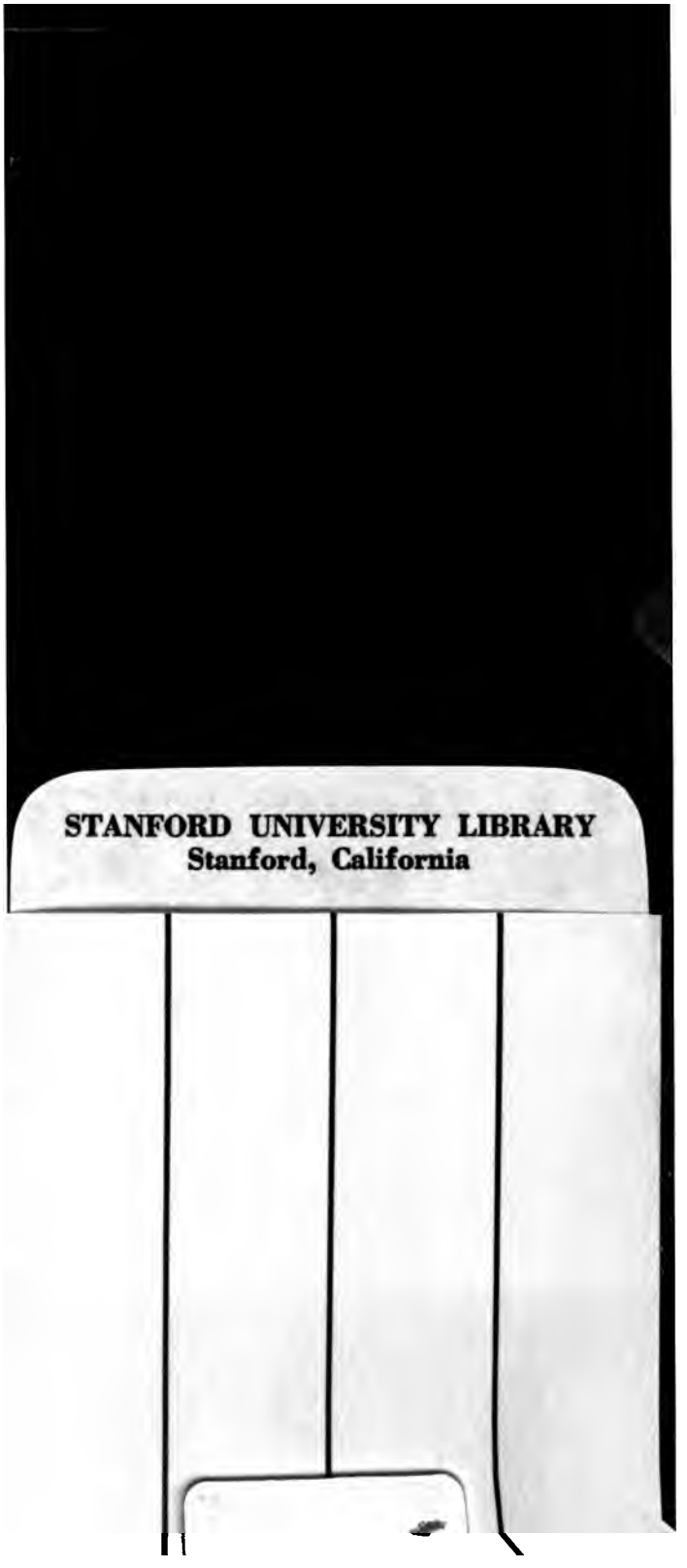
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